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✓ OFFICE OF THE SOLICITOR

HANDBOOK ON THE NATION'S WAR FOOD PROGRAM, REVISED

PREPARED UNDER THE DIRECTION OF THE SOLICITOR

BY THE

GENERAL FOOD DISTRIBUTION AND PROCUREMENT DIVISION

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B	" "	3-26-43
C	9334	4-19-43
D	9380	
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Exhibit

Date

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U	Memorandum of understanding for the purpose of implementing Executive Order No. 9385 and for other related purposes	12-30-43
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W	Letter, Secretary of Agriculture to War Production Board	12-26-42
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Y	Letter, Bureau of the Budget to the Secretary of Agriculture	2-23-43
Z	Opinion of the Solicitor No. 4622	3-25-43
AA	Letter, Bureau of the Budget to the Department of Agriculture	4-14-43
BB	Letter, Food Production and Distribution Administration to War Production Board	4-19-43
CC	Memorandum, Solicitor to the Secretary of Agriculture and War Food Administrator	4-24-43
DD	Letter, War Production Board to E. I. du Pont de Nemours & Company	5-5-43
EE	Letter, Acting Solicitor to Bureau of the Budget	9-3-43
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HH	Administrator's Memorandum No. 27	9-24-43
II	Administrator's Memorandum No. 27, Supplement 4	1-21-44

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JJ	Administrator's Memorandum No. 27 Supplement 4, Amendment 2	3-18-44
KK	Administrator's Memorandum No. 27 Supplement 4, Amendment 3	4-4-44
LL	Administrator's Memorandum No. 27 Supplement 6	3-18-44
MM	Administrator's Memorandum No. 30	10-28-43
NN	Administrator's Memorandum No. 30 Revised	3-18-44
OO	Director's Memorandum No. 16 Revision 1	9-15-44

I N T R O D U C T I O N

This Handbook is a summarization of the creation and organization, as of September 1, 1944, of the War Food Administration, with particular emphasis on the working relationships between the Administration and other governmental agencies. To that end, the Handbook brings together existing agreements, formal and informal, between the Department of Agriculture or the War Food Administration and other governmental agencies, with respect to jurisdiction and functions arising out of their various war activities which affect, directly or indirectly, the Nation's war program for the production and distribution of food. The Handbook is limited to those functions of the War Food Administration which came into existence as a result of the war effort. It does not deal with those activities of the Department of Agriculture which previously existed and which were merged into the War Food Administration and correlated with the War Food Program, such as regulatory activities, school lunch and price support programs, marketing controls, etc., though such activities have been expanded or otherwise altered to meet war requirements.

CHAPTER I

CREATION OF WAR FOOD ADMINISTRATION

The impact of the all out war effort was first felt by those industries which were converting from the manufacture of peacetime goods to the manufacture of war materials and equipment. In order to mobilize those industries, the President, early in January, 1941, established the Office of Production Management within the Office for Emergency Management to formulate and execute all measures needed to increase and regulate the production and supply of materials, articles, and equipment required for the national defense. The war powers of the President with respect to allocations and priorities, and compulsory orders were vested in this office. In December of 1941, the authority to requisition property was added to the powers exercised by the Office of Production Management. Through a series of subsequent executive orders, the functions performed by the Office of Production Management became vested in the War Production Board.

Though the large agricultural surpluses were rapidly disappearing by early 1942, no food shortages had yet appeared. The food industry's problems centered on packaging materials and obtaining machinery and equipment for expansion or replacement. Metals headed the critical list of supplies. As the need of the food industry in this respect increased there gradually developed in the War Production Board units which were concerned with these problems of food processors. However, it soon became apparent that there was developing a need for the coordination of the domestic food program with that of food exports and imports and for the coordination of the food procurement and shipping activities of the United States with those of the United Kingdom, Russia, and other free nations. The first step to achieve these results was the establishment in June of 1942, by the Chairman of the War Production Board, of a Food Requirement Committee within his organization with the Secretary of Agriculture as Chairman. The Committee's functions were limited to the making of recommendations to the Chairman of the War Production Board with regard to the production and distribution of food. This arrangement proved inadequate in promptly effectuating programs to meet the rapidly increasing food problems; therefore, on December 5, 1942, the President, by Executive Order 9280, 7 F.R. 10179, [Exhibit A], transferred functions of the War Production Board with respect to food to the Department of Agriculture and delegated to the Secretary of Agriculture full responsibility for and control over the Nation's food program. The order made necessary a departmental reorganization, and on December 10, 1942, the Food Distribution Administration and the Food Production Administration were established within the Department of Agriculture,^{1/} and existing Bureaus, Agencies,

^{1/} By Administrator's Memorandum No. 27, Supplement 4, [Exhibit II], dated January 21, 1944 the designations "Food Production Administration" and "Food Distribution Administration" were changed to "Office of Production" and "Office of Distribution," respectively. The heads of the agencies have the titles of Director of Production and Director of Distribution. (Administrators Memorandum No. 27, Supplement 4, Amendment 2,)
[Exhibit JJ]

and Administrations of the Department were consolidated into the two new Administrations. (See Chapter III. Organization of War Food Administration)

The powers, functions, and duties conferred upon the Secretary by this Executive Order were redelegated on March 26, 1943, by Executive Order 9322 (8 F.R. 3807) [Exhibit B], to a Food Administrator to be appointed by the President; and "The Food Production Administration (except the Farm Credit Administration), the Food Distribution Administration, the Commodity Credit Corporation, and the Extension Service [were] consolidated within the Department of Agriculture into an Administration of Food Production and Distribution to be under the direction and supervision of . . . [the] . . Administrator" (Section 1, Executive Order 9322). Simultaneously therewith, the President announced the appointment of Chester C. Davis as Food Administrator.

Thereafter, on April 19, 1943, the President, by Executive Order 9334 (8 F.R. 5423) [Exhibit C], for the purpose of curing certain apparent defects in Executive Order 9322 [Solicitor's Memorandum to the Secretary of Agriculture and the War Food Administrator, April 24, 1943, Exhibit CC], changed the name of the Administration of Food Production and Distribution to "War Food Administration" and transferred to the new organization all the powers, functions, and duties of the various agencies consolidated by Section 1 of the previous Order. The War Food Administration was to be administered under the direction and supervision of a War Food Administrator to be appointed by the President. Mr. Davis served in that capacity until his resignation on June 29, 1943. At that time the President appointed Judge Marvin Jones as War Food Administrator.

Section 4 of Executive Order 9334 authorized the Secretary of Agriculture to exercise to the extent necessary to the performance of his duties and functions, any of the powers otherwise vested in the War Food Administrator. Likewise, the War Food Administrator, to the extent necessary to the performance of his duties and functions, was authorized to exercise any of the powers vested in the Secretary of Agriculture. The apparent purpose of this section was to foreclose any successful challenge, on the ground of lack of authority, of action taken either by the Secretary or the War Food Administrator.

Executive Order 9334 was amended on October 28, 1943, by Executive Order 9392 (8 F.R. 14783) [Exhibit F]. This latter Order strengthened the War Food Administration by designating the War Food Administrator, Judge Jones, as Chairman of the Food Requirements and Allocations Committee,^{2/} created by the Administrator on October 28, 1943 under Section 7 (a) of Executive Order 9280 [Exhibit A] as an inter-departmental committee designed to pass on all domestic and foreign claims for food from United

^{2/} See Chapter V, Section (B), (2), for a discussion of the organization and functions of the Food Requirements and Allocations Committee.

States sources [Administrator's Memorandum No. 30, Exhibit MM]. The Order further named Mr. Jones as the United States member of the Combined Food Board,^{3/} which was created by the President on June 9, 1942, for the purpose of obtaining a planned and expeditious utilization of the food resources of the United Nations.

CHAPTER II

TRANSFER OF WAR PRODUCTION BOARD UNITS TO WAR FOOD ADMINISTRATION

Section 12 of Executive Order 9280 provides:

"The personnel, property, records, unexpended balances of appropriations, allocations, and other funds of the War Production Board, primarily concerned with and available for, as determined by the Director of the Bureau of the Budget, the discharge of any of the functions, responsibilities, powers, authorities, and discretions that are vested in the Secretary by this Executive Order are hereby transferred to the Department of Agriculture. . . ."

Pursuant to a request of the Director of the Bureau of the Budget for a study of the Units of the War Production Board affected by Executive Order 9280, an Inter-Departmental Transfer Committee, composed of representatives from the War Production Board, the Department of Agriculture, and the Bureau of the Budget, was created to make such a study and directed to make recommendations to the Director in this regard. The members of the Committee were:

1. War Production Board:
M. Lee Marshall, Food Consultant to the Chairman
Milton Katz, Solicitor
John R. Kimberly, Deputy Director General for
Industry Divisions
2. United States Department of Agriculture:
Robert H. Shields, Solicitor
C. G. Garman, Acting Director of Finance
D. A. Fitzgerald, Assistant Director in Charge
of Requirements, Office for Agricultural War
Relations.
3. Bureau of the Budget:
Sidney Stine, Jr., Chairman of the Committee
Sherman S. Sheppard
Richard Templeton, Jr.

The report of the study conducted by the Inter-Departmental

^{3/} For a discussion of the organization and functions of the Combined Food Board see Chapter IV, Section A.

Transfer Committee summarized points of agreement between the War Production Board and the Department of Agriculture relative to the transfer to the Department of War Production Board units. It was agreed that the following units or parts of units of the War Production Board should be transferred:

1. The Food Division of Consumers Goods Bureau
2. The Fats and Oils Section of the Chemical Division^{4/}
3. That part of the Fertilizers Units of the Inorganics Section of the Chemical Division primarily concerned with programming and the administration of Order M-231.^{5/}
4. That part of the Farm Machinery and Equipment Division concerned primarily with determination of the Farm Machinery Program.
5. That part of the Food Processing Machinery Section of the General Industrial Equipment Division concerned with determining the Food Processing Machinery Program.
6. The Food Section of Consumers Goods Division of the Office of Civilian Supply.
7. That part of the Machinery Unit of the Textile and Clothing Branch of the Office of Civilian Supply concerned primarily with plans, programs, and requirements relative to farm machinery and food processing machinery.
8. That part of the Fats and Oils Unit of the Chemicals Section of the General Commodities Division of the Office of Civilian Supply concerned primarily with edible fats and oils.
9. That part of the Containers Section of the General Commodities Division of the Office of Civilian Supply concerned primarily with plans, programs and requirements for food containers.^{6/}
10. The Food Section of the Procurement Policy Division.
11. Relevant Industry Advisory Committees.

^{4/} See Agreement dated February 4, 1943 between the War Production Board and the Department of Agriculture concerning the issuance and the procedures governing the Administration of Allocation Orders regulating the distribution of fats and oils [Exhibit G].

^{5/} See Chapter VI, Section C, re additional transfer to the War Food Administration from the Fertilizers Unit.

^{6/} See Agreement dated April 12, 1943 between War Production Board and the Administration of Food Production and Distribution concerning procedure for the issuance and administration of Orders dealing with containers for food [Exhibit J].

Recommendations as to the transfer of the following War Production Board units were withheld at the time, pending further study and negotiations.

1. The Raw Cotton, Raw Wool, and Cordage Fibers Sections of the Textile Clothing and Leather Division. 7/
2. Beverage and Tobacco Division. 8/
3. The Pharmaceutical, Glandular, and Vitamins Unit of the Drugs and Cosmetics Section of the Chemical Division concerned with vitamins. 9/

It was agreed that in the case of any unit concerned with food and left in the War Production Board, either the War Production Board or the Department of Agriculture would be free to reopen the question of transfer should operations prove unsatisfactory. Those units are:

1. Alcohol and Solvents Section of the Chemical Division.
2. The Insecticides and Fungicides Unit of the Inorganics Section of the Chemical Division.
3. The Cellulose Unit of the Aromatics and Intermediates Section of the Chemical Division.
4. The Nitrogen Unit of the Inorganics Section of the Chemical Division.
5. The Containers Division. 10/

A permanent task force, composed of one representative each from the Bureau of the Budget, the War Production Board, and the United States Department of Agriculture, was appointed to work together with regard to any subsequent transfers which might be deemed expedient under the circumstances and with regard to any matter of diversity growing out of the relationships between the War Production Board and the War Food Administration. Members of the committee are: Richard Templeton, Jr., Bureau of

7/ See letter to Secretary Wickard from Harold D. Smith, Bureau of the Budget, dated February 15, 1943, re proper division of the functions of this Division between War Production Board and Department of Agriculture [Exhibit X]; Agreement between War Production Board and Agriculture, dated February 16, 1943, concerning cotton, wool, hemp, and flax [Exhibit I]; Amendment to Agreement dated June 21, 1943 [Exhibit L].

8/ The personnel, property, records, and functions of this Division were transferred to the Administration of Food Production and Distribution, effective April 18, 1943. See letter from Mr. Coy, Bureau of the Budget to Mr. Davis, War Food Administrator, dated April 14, 1943 [Exhibit AA].

9/ See letter to Secretary Wickard from Harold D. Smith, dated February 23, 1943, re division of the functions of this Unit between War Production Board and the Department of Agriculture [Exhibit Y]. See agreement between War Production Board and the War Food Administration concerning Vitamins, dated July 1, 1943 [Exhibit M].

10/ See footnote 7.

the Budget; Wallace Flower, War Production Board, and George E. Cooper, Office of the Solicitor, War Food Administration.

The Assistant Director of the Bureau of the Budget, Wayne Coy, on January 8, 1943, issued formal determinations as to the transfer of War Production Board units to the Department of Agriculture as required by Executive Order 9280. The 10 units, or parts of units, the transfer of which was agreed to between the agencies, plus relevant food Industry Advisory Committees, were transferred, effective January 11, 1943. Mr. Coy left the way open for additional transfers to be made in the future of units with regard to which complete agreement had not been reached.

In order to prevent a hiatus in the control of existing orders pending the administrative changeover, section 14 of Executive Order 9280 [Exhibit A], provided that all directives, rules, regulations, orders, and similar instruments issued prior thereto and then in effect should continue in full force and effect until withdrawn or superseded by order of the Secretary. In order further to prevent any delay in the carrying out of the food program during the period of time necessary to effectuate the physical transfer of personnel, records, and property, the Secretary of Agriculture, by letter dated December 26, 1942, addressed to Mr. Ernest Kanzler, Director General for Operations, War Production Board (Exhibit W), authorized the War Production Board to issue new orders under certain conditions, and to issue amendments, supplements, revocations of orders, and to carry out the administration thereof. Likewise, in the transfer of the Beverages and Tobacco Division of the War Production Board, which was made effective on April 18, 1943, the War Food Administrator, by letter dated April 19, 1943 (Exhibit BB), conferred similar authority upon Donald M. Nelson, Chairman of the War Production Board, with respect to the products within the jurisdiction of the Beverages and Tobacco Division. This latter authorization was to continue in force until July 1, 1943, unless sooner terminated by the War Food Administration.

CHAPTER III

ORGANIZATION OF WAR FOOD ADMINISTRATION

A. Program-Agencies of War Food Administration 11/

1. Office of Production

Section 13.a of Executive Order 9280 ordered the consolidation into the Food Production Administration of the following

11/ (Administrator's Memorandum No. 27 [Exhibit HH] and Supplement 4, amendment 2 thereto [Exhibit JJ]). The Office of Transportation, established May 17, 1943, to coordinate the transportation work of the various agencies of the War Food Administration, to formulate and supervise the execution of general transportation problems, and to direct War Food Administration activities in connection with the movement of food and farming

agencies: the Agricultural Conservation and Adjustment Administration (except the Sugar Agency); the Farm Credit Administration, 12/ the Farm Security Administration; the functions, personnel and property of the Division of Farm Management and Costs of the Bureau of Agricultural Economics concerned primarily with the planning of current agricultural products; the functions, personnel, and property of the Office of Agricultural War Relations concerned primarily with the production of food; and the units or parts of units of the War Production Board transferred to the Department of Agriculture concerned primarily with the production of food. 13/ The Secretary of Agriculture announced in Memorandum No. 1054, dated December 10, 1942, the consolidation into the Food Production Administration of those agencies to be under the direction and supervision of Mr. Herbert W. Parisius, Director of Food Production, who was to be responsible for all programs relating primarily to securing maximum wartime food production. The following January 20, 1943, Mr. M. Clifford Townsend was named to fill that position (Secretary's Memorandum No. 1065). On May 27, 1943, by Administrator's Memorandum No. 10, the War Food Administrator announced the designation of Mr. J. B. Hutson as Director of Food Production.

and food processing materials or facilities within and into and out of this country (Administrator's Memorandum No. 27 was originally a "program agency" with the Administration. However, on December 1, 1943, it was announced that "in view of the coordinating, policy formulating, and supervisory nature of this work, and the small staff employed, the Office of Transportation will hereafter be considered a part of the Office of the War Food Administrator rather than one of the 'program agencies' of the War Food Administration." (Administrator's Memorandum No. 27, Supplement 2).

12/ Under Executive Order 9322 the Farm Credit Administration was not continued as a part of the Food Production Administration within the Administration of Food Production and Distribution. By reason thereof, the Farm Credit Administration has continued to function directly under the control and supervision of the Secretary of Agriculture.

13/ The Secretary of Agriculture by his memorandum No. 1054, Supp. 1, dated January 16, 1943, assigned to the Food Production Administration the following units or parts of units transferred from the War Production Board: (1) That part of the Fertilizers Unit of the Inorganics Section of the Chemical Division concerned with the administration of Order M-231; (2) that part of the Farm Machinery and Equipment Division concerned with the determination of the farm machinery program; (3) that part of the Food Technology Unit of the Foods Section of the Consumers Goods Division of the Office of Civilian Supply concerned with programs and requirements for farm machinery, fertilizers, and insecticides; (4) that part of the Machinery Unit of the Textile and Clothing Branch of the Office of Civilian Supply concerned with programs and requirements relative to farm machinery; (5) that part of the Containers Section of the General Commodities Division of the Office of Civilian Supply concerned with programs and requirements for farm food containers. On May 10, 1943, the War Food Administrator

No extensive changes were made in the administrative structure of the Agricultural Adjustment Administration, the Soil Conservation Service, or the Farm Security Administration. On January 21, 1944, the War Food Administrator, in his memorandum No. 27, Supplement 4, provided that these agencies hereafter "shall function as independent agencies within the War Food Administration, and the heads of these agencies shall report directly to the Administrator, or the Assistant Administrators, as the case may be." In the same memorandum the name of the Food Production Administration was changed to "Office of Production." The head of the office bears the title "Director of Production" (Administrator's Memorandum No. 27, Supplement 4, Amendment 2). [Exhibit JJ].

Within the Office of Production are:

- (a) Federal Crop Insurance Corporation
- (b) Conservation Programs Branch (Administrator's Memorandum No. 26, September 9, 1943)
- (c) Feed and Livestock Branch

The responsibilities and functions of the Office of Production are analyzed in connection with the overall analysis of the jurisdiction of the War Food Administration with regard to the production of food (Chapter V, Section A).

2. Office of Distribution

Consolidated into the Food Distribution Administration by Section 13.b of Executive Order 9280, were the Agricultural Marketing Administration; the Sugar Agency of the Agricultural Conservation and Adjustment Administration; the functions, personnel, and property of the Bureau of Animal Industry of the Agricultural Research Administration concerned primarily with distribution activities, such as the inspection of meat and meat products, the administration of the 28 Hour Law, and related general administrative functions; the functions, personnel, and property of the Office of Agricultural War Relations, ^{14/} concerned primarily with the distribution of food; and the units or parts of units transferred from the War Production Board to the Department of Agriculture pursuant to Executive Order 9280 concerned primarily with the processing and distribution of food. ^{15/}

created the Office of Materials and Facilities and transferred to that Office all activities of the Food Distribution and Food Production Administrations having to do with programs and requirements for materials, facilities, supplies, machinery and equipment in the food program (Administrator's Memorandum No. 4).

^{14/} The Office of Agricultural War Relations was originally created in response to a letter from the President, dated May 5, 1941, and was named at that time the Office for Agricultural Defense Relations.

^{15/} By Memorandum No. 1054, Supp. 1, dated January 16, 1943, the Secretary

On December 10, 1942, the Secretary of Agriculture announced the creation of the Food Distribution Administration to be under the direction and supervision of Roy F. Hendrickson, as Director of Food Distribution, to be responsible for all departmental programs relating to food distribution (Secretary's Memorandum No. 1054). On January 15, 1944, the Administrator announced the appointment of M. Lee Marshall as Director of Distribution (Administrator's Memorandum No. 27, Supplement 3) to succeed Mr. Hendrickson, resigned.

On January 21, 1944, the name of the Food Distribution Administration was changed to "Office of Distribution" (Administrator's Memorandum No. 27, Supplement 4) [Exhibit II], and on March 18, 1944, it was announced that the head of the agency shall hereafter have the title of "Director of Distribution" (Administrator's Memorandum No. 27, Supplement 4, Amendment 2) [Exhibit JJ].

The organization of the Office of Distribution is set out in Director's Memorandum No. 2 and existing supplements and amendments thereto. Personnel assignments made by the Director within the Administration are announced in his Memorandum No. 3 and supplements thereto. The functions and responsibilities of the Food Distribution Administration are discussed in connection with the over-all analysis of the jurisdiction of the War Food Administration with regard to the distribution of food (Chapter V, Section B).

3. Commodity Credit Corporation

The Commodity Credit Corporation was included with the agencies consolidated into the War Food Administration by Executive Order 9322,

of Agriculture assigned to the Food Distribution Administration the following units transferred from the War Production Board:

1. The Food Division
2. The Fats and Oils Section of the Chemicals Division.
3. That part of the Food Processing Machinery Section concerned with determining the food processing machinery program.
4. The Food Section of the Consumers Goods Division of the Office of Civilian Supply, other than the part assigned to the Food Production Administration.
5. That part of the Machinery Unit of the Textile and Clothing Branch of the Office of Civilian Supply concerned with programs and requirements relative to food processing machinery.
6. That part of the Fats and Oils Unit of the Chemicals Section of the General Commodities Division of the Office of Civilian Supply concerned with edible fats and oils.
7. That part of the Containers of the General Commodities Division of the Office of Civilian Supply concerned with programs for non-farm food containers.
8. The Food Section of the Procurement Policy Division.

Functions of those units having to do with supply programs have been performed by the Office of Materials and Facilities since its creation on May 10, 1943.

as amended by Executive Order 9334. The principal changes made in the organization of the Corporation since that time consist of the following, as quoted from Administrator's Memorandum No. 27, Supplement 4, Amendment 2, dated March 18, 1944 [Exhibit JJ].

"In line with changes which have been made in the organization of the War Food Administration, the Board of Directors of the Commodity Credit Corporation has been reconstituted to consist of the following:

War Food Administrator, Chairman
Director of Production
Director of Distribution
Director of Price
Chief of the Agricultural Adjustment Agency
President of the Commodity Credit Corporation

The Director of Distribution has also been elected a Vice President of the Corporation.

The by-laws have been amended to provide, among other things, that the Solicitor and the Director of Finance shall serve as legal advisor and financial advisor, respectively, to the Board of Directors, and in such capacities shall attend the meetings of the Board.

In connection with the functions of the Corporation, the same memorandum provides that:

"Except as otherwise specifically authorized by the Administrator and except for programs involving use of funds and authority under Section 32, Public Law 320, 74th Congress, the powers of the Commodity Credit Corporation shall be utilized for all lending, buying, selling, storage, transportation, and subsidy activities of the War Food Administration with respect to food and food facilities as follows:

- a. The President of the Commodity Credit Corporation shall be responsible for all such activities with respect to the following unprocessed commodities; Corn, wheat, cotton, tobacco, peanuts, rice, feed grains, wool, hemp, sugarcane, sugar beets and raw sugar, soybeans, flaxseed and cottonseed; provided that the President of the Commodity Credit shall be responsible for such activities with respect to (1) meeting Governmental requirements, only to the extent provided in subparagraph "b" hereof, and (2) feed, seed (except vegetable seed), fertilizer, and other production facilities for domestic use, only to the extent provided in subparagraph "c" hereof.

- b. The Director of Distribution, acting in his capacity as Vice President of the Commodity Credit Corporation and using the facilities of the Office of Distribution, shall be responsible for all such activities with respect to fruits and vegetables (including potatoes, dried peas and beans, and vegetable seed), livestock and livestock products, dairy products, poultry, and poultry products, grain products (except feed), fats and oils, and all other processed food and food-processing facilities. He shall also be responsible for all such activities to meet Governmental requirements, provided, that such responsibilities with respect to any commodity mentioned in subparagraph "a" hereof shall be carried out by the President of the Commodity Credit Corporation in accordance with directives issued by the Director of Distribution and approved by the Administrator.
- c. The President of the Commodity Credit Corporation shall be responsible for all such activities with respect to feed, seed (except vegetable seed), fertilizer, and other production facilities for domestic use, provided, that such responsibilities shall be carried out in accordance with directives prepared by the Director of Production with the concurrence or recommendations of the Director of Distribution and approved by the Administrator.

* * * * *

"The Director of Production, the Director of Distribution, and the President of the Commodity Credit Corporation, when discharging their responsibilities for programs which involve the exercise of the power of the Commodity Credit Corporation or of authority under Section 32, shall, upon the approval of the Administrator, use the facilities of the agency of the Administration which is best adapted to carrying out such programs and shall collaborate with such agency in the formulation of the programs concerned."

The effect of this memorandum was to place responsibilities within the War Food Administration on a commodity basis rather than on the functional basis as theretofore.

4. The Extension Service

The Extension Service of the Department of Agriculture was consolidated into and made a part of the Administration of Food Production and Distribution by Executive Order 9322. It presently functions as one of the program agencies of the War Food Administration with Mr. M. L. Wilson as Director. In addition to the Service's usual cooperative work with the States, the Director of Extension Work was on May 24, 1944, assigned

responsibility for all labor supply functions of the War Food Administration relating to intrastate labor the Victory Farm Volunteers, and the Women's Land Army (Administrator's Memorandum No. 27, Supplement 8). See Chapter V, Section I: Farm Labor Supply and Farm Labor Wage Program.

5. Office of Labor

This Office was established within the War Food Administration on June 21, 1943, with full responsibility for all farm labor wage stabilization and manpower programs of the War Food Administration (Administrator's Memorandum No. 2). ^{16/} Colonel Phillip G. Bruton, Corps of Engineers, United States Army, acting with the consent of the Secretary of War as Director of Labor, has full responsibility for directing the activities of this office (Administrator's Memorandum No. 27 [Exhibit HH]). On May 24, 1944, it was ordered that the Office of Labor "shall be responsible for all functions of the War Food Administration relating to labor, manpower, and wage stabilization except those functions relating to intrastate labor, the Women's Land Army and the Victory Farm Volunteers" (Administrator's Memorandum No. 27, Supplement 8).

6. The Office of Materials and Facilities

The Office of Materials and Facilities was established by the War Food Administrator on May 10, 1943 (Administrator's Memorandum No. 4). (See Chapter VI, Section A: Non-Foods Essential to the War Food Program). The Materials Control Branch of the Office of Agricultural War Relations, the Facilities Branch of the Food Distribution Administration, the Production Supplies Programs Branch and the Farm Service and Supply Branch of the Food Production Administration, and the Priorities Services Group of the Commodity Credit Corporation, and their functions, personnel, property, and funds were consolidated into this Office. Mr. M. Lee Marshall was originally named as Deputy Administrator of the War Food Administration to be responsible for all materials, supplies, machinery, equipment and facilities programs of the Administration. On November 29, 1943, Mr. J. B. Millard's appointment as Director of Materials and Facilities was announced (Administrator's Memorandum No. 34). In addition to other duties, the Office is responsible for recommendations to the Administrator in connection with the application for "necessity certificates" under section 124 of the Internal Revenue Code, which have been referred by the War Production Board relating to facilities under the jurisdiction of the War Food Administration.

^{16/} On August 14, 1943, the Food Industry Labor Branch of the Food Distribution Administration was transferred to and made a part of the Office of Labor (Administrator's Memorandum No. 2, Supp. 1). See Chapter V, Section I Farm Labor Supply and Farm Labor Wage Programs.

7. The Office of War Board Services

On August 25, 1943, there was established the National War Board of the War Food Administration (Administrator's Memorandum No. 11, Revised, Supplement 1), composed of the following:

The Assistant to the Administrator in
Charge of War Board Services, as Chairman

The Chief of the Agricultural Adjustment
Administration

The Chief of the Bureau of Agricultural
Economics

The President of the Commodity Credit
Corporation

The Director of Extension Work

The Governor of Farm Credit Administration

The Administrator of Farm Security
Administration

The Director of Food Distribution, now Director of
Distribution

The Chief of the Forest Service

The Director of Information

The Administrator of the Rural
Electrification Administration

The Chief of the Soil Conservation Service

The principal function of the Board is to consider and recommend to the Administrator whether a given program shall be administered through the State and County War Boards or through one or more of the agencies represented on the Board.

The Office of War Board Services, with Mr. William L. Nelson as Director, was established by the Administrator on August 26, 1943 (Administrator's Memorandum No. 11, Revised). On December 30, 1943, the Office of War Board Services was discontinued. Mr. Wilson Cowen, Assistant Administrator of the War Food Administration, was designated to serve as Acting Chairman of the National War Board, and it was provided that the "functions and activities heretofore performed by the Office of War Board Services shall hereafter be performed by the Chairman of the National War Board." (Administrator's Memorandum No. 11, Revised,

Supplement 2.) Col. Everett R. Cook, Special Assistant to the Administrator, was designated as Chairman of the National War Board on April 11, 1944 (Administrator's Memorandum No. 11, Revised, Supplement 3).

8. Office of Price

A price Support Committee was appointed by the Administrator in November 1943 (Administrator's Memorandum No. 32). Not long thereafter the Office of Price was established with Mr. Ashley Sellers, Assistant Administrator, designated to serve temporarily as Director (Administrator's Memorandum No. 27, Supplement 4). [Exhibit II].

The Office of Price was given supervision over all functions of the Administration relating to approval of maximum prices to be fixed for agricultural commodities or products, and relating to price support programs in connection with particular commodities; and it was provided that the Director prepare or review recommendations covering commodities to be supported and the level and method of support. On March 31, 1944, Mr. H. B. Boyd, Deputy Director of Price, was appointed to serve as Director of Price (Administrator's Memorandum No. 27, Supplement 7). (See Chapter V, Section H, Maximum Prices for Agricultural Commodities and Processed Foods.)

B. Service and Staff Agencies

All of the Service and Staff agencies of the Department of Agriculture constitute a part of the War Food Administration. The services of these agencies are utilized by the War Food Administration to the same extent and in the same manner as their services have heretofore been utilized by the Department of Agriculture. (Administrator's Memorandum No. 27) [Exhibit HH]. The Services and Staff agencies concerned are:

1. Bureau of Agricultural Economics
2. Office of Budget and Finance
3. Office of Foreign Agricultural Relations .
4. Office of Information
5. Library
6. Office of Personnel
7. Office of Plant and Operations
8. Office of the Solicitor
9. Land Use Coordinator

CHAPTER IV.

INTERNATIONAL FOOD ORGANIZATIONS

A. Combined Food Board

On June 9, 1942, the President announced the creation of a joint Great Britain-United States board, known as the Combined Food Board, to be composed of the Secretary of Agriculture and the head of the British Food Ministry who would represent and act under the instructions of the Minister of Food. On October 28, 1943, the President and the British Prime Minister announced a rearrangement of the Combined Food Board whereby Mr. Wickard was named neutral chairman and Canada was extended membership. Also, on that date, the President signed Executive Order 9392 wherein Marvin Jones, War Food Administrator, was designated as the United States member.

Each member of the Board may appoint a deputy member, an executive officer, and a deputy executive officer. A secretary is named by the Board. The War Food Administrator appointed the Director of Distribution as his representative and deputy on the Combined Food Board (Administrator's Memo. No. 30, October 28, 1943 [Exhibit MM]. and Administrator's Memo. No. 30, Revised, March 18, 1944 [Exhibit NN]).

The Deputy Director for Supply, War Food Administration, now serves as Executive Officer of the Board. He is responsible for matters relating to (1) the assembling of food requirements for claimant agencies; (2) reviewing such requirements; (3) recommending tentative allocations to the Director; and (4) serving as vice-chairman of the Food Requirements and Allocations Committee, and, in the absence of the Director, acting as its chairman (Director's Memorandum No. 16, Revision 1, September 15, 1944). (See Chapter V(B)(2) - Distribution of Food for Human and Animal Consumption through Allocations.)

The staff work of the Combined Food Board is performed by a number of commodity committees. Each commodity committee consists of (1) a chairman appointed by the Board; (2) three members appointed as their national representatives, respectively, by the governments of Canada, the United Kingdom, and the United States; and (3) a secretary and assistant secretary appointed by the executive officers (Director's Memorandum No. 16, Revision 1, September 15, 1944).

The United States' spokesman on each Combined Food Board Committee has sole responsibility for presenting the United States' position at meetings of the committee and, in ascertaining the United States' position, he may consult representatives of such governmental agencies as is deemed appropriate. A United States Food Requirements and Allocations Sub-committee (see Chapter V(B)(2)) however, reviews, as advisor to the United States members of the Combined Food Board commodity

committee, positions to be taken by the chairman in negotiating international allocations.

The chiefs of the following branches of the Office of Distribution have been named United States spokesmen on the corresponding international commodity committee of the Combined Food Board (Director's Memorandum No. 16, Supplement 14, November 2, 1943):

Livestock Branch
Fats and Oils Branch
Sugar Branch
Tobacco Branch
Grain Products Branch
Dairy and Poultry Products Branch
Fruits and Vegetables Branch
Special Commodities Branch

The duties of the Combined Food Board are:

"To consider, investigate, and inquire into, and formulate plans with regard to any question in respect of which the governments of the United States of America and the United Kingdom have, or may have, a common concern, relating to the supply, production, transportation, disposal, allocation or distribution, in or to any part of the world, of foods, agricultural materials from which foods are derived, and equipment and nonfood materials ancillary to the production of such foods and agricultural materials, and to make recommendations to the governments of the United States of America and the United Kingdom in respect to any such question.

"To work in collaboration with others of the United Nations towards the best utilization of their food resources, and, in collaboration with interested nation or nations, to formulate plans and recommendations for the development, expansion, purchase, or other effective use of their food resources."

When an allocation recommendation has been arrived at by the Board, which is made only upon unanimous agreement by the members, copies are submitted to each of the member governments for concurrence and appropriate action. National allocations made by the War Food Administrator are coordinated with international allocations (see Chapter V(B)(2) - Distribution of Food for Human and Animal Consumption through Allocation).

3. American - Canadian Standing Committee on Agricultural and Food Production and Distribution

On January 7, 1943, the Secretary of Agriculture and the

Honorable J. G. Gardiner, Canadian Minister of Agriculture, agreed to establish a standing committee, consisting of officials of both countries, to keep agricultural and food production and distribution in Canada and the United States under continuing review and to further such developments as may be desirable in reference to those phases of our war time agricultural and food programs that are of concern to both countries. The Committee was thereafter established to be known as the American - Canadian Standing Committee on Agricultural and Food Production and Distribution (Secretary's Memorandum No. 1072, dated February 13, 1943). The Committee held its first meeting at Ottawa, Canada, on Monday, March 22, 1943. It consists of four members from each country. The following persons were designated to serve as United States Members:

1. The Director of Foreign Agricultural Relations,
Chairman of American Section.
2. Director of Food Distribution, now Director of Distribution
3. Director of Food Production, now Director of Production
4. President of the Commodity Credit Corporation.

Reports and recommendations of the committee were made to the Canadian Minister and to the War Food Administrator. Matters with which the Committee concerned itself are now handled largely by the Combined Food Board.

CHAPTER V

JURISDICTION AND FUNCTIONS OF WAR FOOD ADMINISTRATION IN GENERAL

A. Production of Food

Section 1.b of Executive Order 9280, [Exhibit A], as amended, authorizes the War Food Administrator to:

"Formulate and carry out a program designed to furnish a supply of food adequate to meet such requirements, including the allocation of the agricultural productive resources of the Nation for this purpose."

The "requirements" referred to are those described in Section 1.a of the Executive Order, which are the total requirements of all the claimant agencies "for food, both for human and animal consumption and for industrial uses."

The responsibility for departmental programs relating primarily to food production was assigned by the Secretary of Agriculture to the Director of Production (Secretary's Memorandum No. 1054, December 10, 1942).^{*} The present activities of the Office of Production designed to

^{*} By War Food Order No. 52, formerly Food Directive 2, issued February 8, 1943, the Secretary delegated to the Secretary of the Interior responsibility for the production of fishery commodities or products.

provide a supply of food adequate to meet the requirements of our armed forces, our allies, and our civilian population, include the following (Administrator's Memorandum No. 27, Sup. 6) [Exhibit LL]:

1. Develop national and state agricultural production goals designed to meet the requirements for food and fiber. In carrying out this function, the Office of Production shall collaborate with and be assisted by other interested agencies of the War Food Administration.
2. Evaluate production programs and make recommendations to the Administrator with respect to methods and facilities for augmenting or adjusting the production of agricultural commodities to meet requirements.
3. Together with other interested agencies, review and recommend to the Office of Price the support prices and support programs desirable for agricultural production.
4. Together with other interested agencies, review and make recommendations to the Office of Price with respect to proposed maximum price regulations pertaining to agricultural commodities.
5. Serve as a clearing house and coordinating agency with respect to soil and moisture conservation and water utilization programs of the War Food Administration. More specifically --

* * *

6. Formulate programs, including priority and allocation orders, designed to secure the most effective utilization of all food allocated for use as feed and also programs designed to maintain a proper balance between livestock production and available feed supplies and administer such programs and orders, acting through such agencies in the field as may be designated by the Administrator.
7. Exercise administrative direction over the Department's crop insurance program.
8. Serve as claimant agency before the Requirements and Allocations Committee with respect to food used for feed, seed, fertilizer, or other production facilities.
9. Together with other interested agencies, ascertain production requirements and make recommendations regarding production facilities needed to meet such requirements, as follows: with respect to machinery and fertilizer, to the Office of Materials and Facilities; with respect to labor, to the Office of Labor; and with respect to agricultural credit, to the Administrator for submission to the appropriate agricultural credit agency.

Policies and plans for the distribution of farm machinery were regarded originally as essentially food production problems and were, at the beginning of the food program, designated as the responsibility of the Office of Production. However, on May 10, 1943, the Office of Materials and Facilities, under the supervision and direction of a Deputy Administrator directly responsible to the War Food Administrator, was created and given the responsibility of directing all materials, supplies, machinery, equipment and facilities programs of the War Food Administration. The Production Supplies Programs Branch and the Farm Services and Supply Branch of the Food Production Administration were consolidated with other offices of the War Food Administration concerned with these commodities into the newly created Office of Materials and Facilities thereby coordinating all related supply programs of the Administration in one agency. (Administrator's Memorandum No. 4). Food Production Order No. 3, providing for the rationing of farm machinery and equipment and originally administered by the Food Production Administration, was superseded by Food Production Order No. 14, (redesignated War Food Order No. 14) and the responsibility for the administration of the latter Order was vested in the Farm Machinery and Supplies Branch, Office of Materials and Facilities. (See Chapter VI, Section A of this Handbook: Non-Foods Essential to the Food Program.)

Direction of the manufacture, distribution, and use of fertilizers and insecticides was also regarded at the beginning of the food program as a food production problem. Accordingly, responsibility for the administration of War Production Board Order M-231, controlling the production and flow of fertilizer and transferred to the Department of Agriculture by the Director of the Bureau of the Budget on January 9, 1943, was delegated by the Secretary of Agriculture to the Food Production Administration, now the Office of Production. That Order was reissued by the Food Production Administration as Food Production Order No. 5, and redesignated as War Food Order No. 5. On June 30, 1943, the Director of the Office of Materials and Facilities was directed by the War Food Administrator to administer the provisions of the Order. Other Orders controlling the production, distribution, and use of fertilizers are War Food Orders Nos. 12 and 41. The administration of both Orders has been delegated to the Office of Materials and Facilities.^{17/} War Food Orders Nos. 46 and 49, regulate the transfer and use of pyrethrum and rotenone insecticides respectively. The responsibility for the administration of these Orders has also been assigned to the Office of Materials and Facilities.^{18/}

^{17/} See Chapter VI, Section C relative to the division of authority between War Production Board and the War Food Administrator for the production and distribution of fertilizers.

^{18/} See Chapter VI, Section B relative to the jurisdiction of the War Food Administrator to direct the transfer and use of insecticides.

B. Distribution of Food

1. General Division of Authority Between the War Food Administration and the War Production Board.

"Food", as the term is used in Executive Order 9280 [Exhibit A], is defined by Section 10 thereof to mean:

"all commodities and products, simple, mixed or compound, or complements to such commodities that are or may be eaten or drunk by either humans or animals, irrespective of other uses to which such commodities or products may be put, and at all stages of processing from the raw commodity to the product thereof in a vendible form for immediate human or animal consumption, but exclusive of such commodities and products as the Secretary shall determine. For the purposes of this Executive Order, the term "food" shall also include all the starches, sugars, vegetables and animal fats and oils, cotton, tobacco, wool, hemp, flax fibre, and such other agricultural commodities and products as the President may designate."

The extent of the War Food Administrator's authority to direct the distribution of commodities included within the definition of the term "food", depends upon the end use of the commodity involved. After the "Chairman of the War Production Board and the Secretary [have] . . . jointly determined the division to be made of the available supply"^{19/} of food between industrial and edible purposes, the War Food Administrator, with regard to the quantity of the supply allocated to edible purposes, directs the distribution thereof "to governmental agencies and for private account for direct and indirect military, other governmental, civilian and foreign needs," by means of allocations ^{20/} and priorities ^{21/} (Section 1.c, Executive Order 9280), and to civilian consumers through rationing in conjunction with the Office of Price Administration ^{22/} (Section 4, Executive Order 9280). That portion of the supply of agricultural commodities allocated to serve industrial purposes are, generally speaking, the responsibility of the War Production Board beyond the sphere of production.

^{19/} Section 3, Executive Order 9280 provides: "Whenever the available supply of any food is insufficient to meet both food and industrial needs, the Chairman of the War Production Board and the Secretary shall jointly determine the division to be made of the available supply of such food. In the event of any difference of view between the Chairman of the War Production Board and the Secretary, such difference shall be submitted for final determination to the President or to such agent or agency as the President may designate."

^{20/} See Chapter V (B)(2): Distribution of Food for Human and Animal Consumption Through Allocations.

^{21/} See Chapter V (B) (3): Distribution of Food for Human and Animal Consumption Through Priorities.

^{22/} See Chapter V (B)(4): Rationing of Food for Human and Animal Consumption to Civilian Consumers.

The responsibility for all departmental programs relating to the distribution of food for human and animal consumption was assigned by the Secretary of Agriculture to the Director of Food Distribution (now the Director of Distribution) (Secretary's Memorandum No. 1054, December 10, 1942).

2. Distribution of Food for Human and Animal Consumption through Allocations

(a) Food Requirements and Allocations Committee

A Food Advisory Committee was created by the Secretary of Agriculture on December 19, 1942, as required by Section 7 (a) of Executive Order 9280 [Exhibit A]. The Secretary was chairman, while other members were representatives from the War Department, the Navy Department, the Department of the Interior, the Department of State, the Board of Economic Warfare, the War Production Board, and the Lend-Lease Administration, the Director of Food Production, and the Director of Food Distribution.

By Memorandum No. 1068 dated January 26, 1943 the Secretary authorized the Director of Distribution (formerly known as Director of Food Distribution), as his personal representative, to establish an Interagency Committee on allocations with the Director as chairman. The committee was to serve as a focal point for consideration of allocation problems of claimant agencies of the United States, and it was responsible for the review of allocation problems and recommendations in their early stages before they reached the Secretary and the Food Advisory Committee. (See also Administrator's Memo. No. 7, May 26, 1943.)

By Executive Order 9392 [Exhibit F], the President designated the War Food Administrator as the chairman or to name the chairman of the Interdepartmental Committee set up under Section 7 (a) of Executive Order 9280. Simultaneously therewith, on October 28, 1943, the War Food Administrator abolished the Food Advisory Committee and the Interagency Allocations Committee. Their functions were combined and transferred to a newly created committee to be known as the Food Requirements and Allocations Committee of the War Food Administration (Administrator's Memo. No. 30 [Exhibit MM] and Administrator's Memo. No. 30, Revised [Exhibit NN]. The Director of Distribution was designated as chairman of the committee. Other members of the committee are representatives of all United States agencies who are claimants for food either for domestic or foreign account. These agencies, in addition to others which may be accepted as claimants from time to time, are the War Department, the Navy Department, the State Department, the War Production Board, the Foreign Economic Administration, the War Shipping Administration, the Civilian Food Requirements Branch and the Procurement and Price Support Branch of the Office of Distribution, the Office of Production, and the Agricultural Adjustment Agency.

The chairman, as personal representative of the War Food Administrator, is responsible for receiving all food requirements and for recommending all food allocations to the War Food Administrator. In his capacity as chairman of the Food Requirements and Allocations Committee, the Director of Distribution is the only voting member of the committee. The Director's recommendations with respect to feed, fertilizer, seeds, and other production facilities are, however, submitted to the Administrator with the concurrence or recommendations of the Director of Production. (Administrator's Memo. No. 30, Revised.)

The Director of Distribution designated the Deputy Director for Supply as vice-chairman of the Food Requirements and Allocations Committee on March 9, 1944 (Director's Memo. No. 2, Supplement 31), and the Chief of Requirements and Allocations Control of the Office of Distribution as Executive Officer of the committee. ^{23/} Under the direction of the Deputy Director for Supply, the Executive Officer is responsible for all staff functions of the committee. This includes the coordination of all activities leading to the development of tentative allocations for submission to the Food Requirements and Allocations Committee.

(b) Commodity Sub-committees

The Executive Officer established sub-committees within the Food Requirements and Allocations Committee to deal with major food products. Each sub-committee consists of the commodity branch chief or his alternate as chairman, a secretary and assistant secretary, and such advisory members as may be selected by the chairman. The chief of Requirements and Allocations Control designates the secretary for each sub-committee. The chairman of each sub-committee, under the direction of the Deputy Director for Supply, selects the membership of his sub-committee from such governmental agencies as are considered appropriate. Chairmen and members of sub-committees concerned primarily with food, fertilizer, seeds, and production facilities are designated by the chairman in accordance with the recommendations of the Director of Production (Administrator's Memo. No. 30, Revised). [Exhibit NN]. For existing sub-committees, their chairmen, secretaries, and assistant secretaries, see Requirements and Allocations Control memoranda.

The sub-committees balance the available supply of food, as previously determined by the Supply Estimates Committee, against requirements and formulate tentative recommended allocations for the various commodities. It is then the responsibility of each chairman, jointly with the Executive Officer, to make recommendations to the Food Requirements and Allocations Committee with regard to the requirements and allocations of the particular food commodity over which his committee has jurisdiction. Sub-committees also review, as advisors to the United States

^{23/} Originally Lt. Col. Ralph W. Olmstead was named by the Director as Executive Officer of the Food Requirements and Allocations Committee (Director's Memo. No. 16, Supplement 14), and the chief of Requirements and Allocations Control as Deputy Executive Officer (Director's Memo. No. 16, Supplement 15).

members of the Combined Food Board Commodity Committees, positions to be taken by the chairman in negotiating international allocations (Director's Memo. No. 16, Revision 1.) [Exhibit 00].

(c) Supply Estimates Committees

The chief of each commodity branch has established, pursuant to Director's Memo. No. 16, Supplement 9, dated March 10, 1943, and Director's Memo. No. 16, Revision 1, September 15, 1944, a formal Supply Estimates Committee for the commodities assigned to him. A member of the staff of the commodity branch involved serves as chairman of the committee and a member of the Requirements and Allocations Control staff as secretary. The committee consults with representatives from the Office of Production, the Bureau of Agricultural Economics, and any other agency deemed appropriate under the circumstances.

After the commodity branch chief, jointly with the Executive Officer, has determined the commodities within his jurisdiction for which allocation should be recommended, it becomes the responsibility of the Supply Estimates Committee to develop an estimate of the supply of each commodity expected to be available during the allocation period. This estimate is the official estimate of the War Food Administration for allocation purposes.

(d) Allocations and their Effectuation through War Food Orders

Allocation involves the division of critical food commodities among claimants in a manner which will make the maximum contribution to military needs and at the same time take fully into account indirect and non-military needs. Allocations are made both nationally and internationally. Recommendations as to international allocations of food supplies are made by the Combined Food Board, composed of the War Food Administrator, representing the United States, and two members representing the United Kingdom and Canada, respectively. Recommendations of the Combined Food Board contemplate, generally, the pooling of the food supplies of the three member nations (see Chapter IV (A), Combined Food Board).

The division of United States food supplies among foreign and domestic claimants (involving a determination of what United States supplies shall be made available to other nations) constitutes national allocation and is the responsibility of the War Food Administrator. Determinations regarding allocations among foreign and domestic claimants are made by the Administrator only after they have been considered by the Inter-agency Food Requirements and Allocations Committee and its commodity sub-committees, and after the international allocation recommendation of the Combined Food Board has been made. When Combined Food Board recommendations cannot be made before the United States domestic allocation becomes firm, the domestic allocation is made consistent with policies established by the Combined Food Board and is made a part of the American

position to be taken at the Combined Food Board meeting. The Foreign Economic Administration is responsible for decisions respecting the division of export allocations among the various foreign claimants. This is in accordance with the "Memorandum of Understanding Between the War Food Administration and the Foreign Economic Administration Concerning the Conduct of the Foreign Food Program of the United States," approved July 19, 1944 [Exhibit V], which provides:

"2 The Foreign Economic Administration has the U. S. responsibility for determination of requirements as between foreign countries, production, purchase and distribution of food from foreign sources, and also acts as sole claimant before the War Food Administration for domestic food for foreign use."

Allocation procedure in greater detail is outlined in a pamphlet entitled "Food Allocation - Organization and Procedure" prepared by Requirements and Allocations Control, Office of Distribution, August 22, 1944. See also Director's Memo. No. 16, Rev. 1, September 15, 1944.

In order to effectuate allocations made of the United States food supply among foreign and domestic claimants, the movement of food is controlled at the source of supply by means of war food orders signed and issued, in the first instance, by the War Food Administrator.

As of September 15, 1944, the War Food Administrator had signed and issued 114 war food orders, some of which have been revoked or terminated by the Administrator in the interim. ^{24/} A number of these orders require producers to set aside designated portions of their supply of named commodities for governmental use. By means of other orders issued by the War Food Administrator and supplemented by orders of the Director of Distribution, the distribution of commodities within predetermined allocations is controlled by restricting the production, use, or the sale of the commodity, except pursuant to designated contracts or for specified purposes. For example, the quantity of milk, milk by-products, or cream which a handler may deliver within a designated area and during a specified time is fixed by means of a quota system; the amount of milk solids to be used in frozen dairy foods is limited; raisin variety grapes are required to be held for conversion into raisins; the use of cocoanut oil in certain products is prohibited; and the use, processing, or refining of tung oil, wool fat, and other products is prohibited except upon a specific authorization of the Director.

^{24/} For a monthly report of distribution orders, see "Summary of Active Food Orders Covering Specific Commodities Administered by the Office of Distribution", prepared by the Marketing Reports Division of the Office of Distribution.

3. Distribution of Food for Human or Animal Consumption through Priorities

The distribution of food for human or animal consumption is further controlled through the use of priority ratings applied to purchase orders or contracts. These ratings confer upon the orders to which they are applied priority as to delivery over non-rated or lower rated orders. Statutory authority for the priority power is found in Title III of the Second War Powers Act.^{25/}

^{25/} Originally it was provided by Congress that Naval and Army contracts or orders should, "in the discretion of the President, take priority over all deliveries for private account or for export." Act of June 28, 1940, 54 Stat. 676, 50 U. S. C., 1940 ed., Supp. III, App., 1151 et seq. This provision was greatly broadened by the act of May 31, 1941, 55 Stat. 236; as amended by the Second War Powers Act, 56 Stat. 176; 50 U. S. C., 1940 ed., Supp. III, App. 1152 (2), which authorized the additional assignment of priorities to deliveries of material under "(A) Contracts or orders for the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, * * * [Lease-Lend Act], (B) Contracts or orders which the President shall deem necessary or appropriate to promote the defense of the United States; and (C) Subcontracts or suborders which the President shall deem necessary or appropriate to the fulfillment of any contract or order as specified in this subsection (2)."

The power to assign priorities granted by the Act of June 28, 1940, was delegated by the President to the Office of Production Management, within the Office for Emergency Management, by E. O. 8629, 6 F. R. 191. This order provided that the Office of Production Management should "Determine when, to what extent, and in what manner priorities shall be accorded to deliveries of material" under the act, and set up within that Office a Division of Priorities. There was also established within the Office a Priorities Board, to be composed of six members, to serve as an advisory body.

For the purpose of coordinating the priority activities of the Federal Government after the enactment of the statute dated May 31, 1941, extending the priorities powers, the President issued E. O. 8875, 6 F. R. 4483, which established within the Office for Emergency Management a Supply Priorities and Allocations Board and abolished the Priorities Board described in E. O. 8629. It was provided that the Office of Production Management, subject to the policies and determinations of the Supply Priorities and Allocations Board, should serve as a coordinating center for the execution of the powers and activities of the several departments and agencies relating to priorities and should exercise the additional powers vested in the President by the act. The Board was directed to determine the total requirements of materials and commodities needed for defense, civilian and all other purposes; establish policies for the fulfillment of such requirements; and to determine policies and make regulations governing priorities with respect to procurement, production or

On March 6, 1943, the Secretary of Agriculture issued Food Distribution Regulation No. 1, now War Food Order No. 71, which provides for a system of food priorities to be used to enable Governmental agencies and essential civilian users to secure delivery of food ahead of non-essential or less essential users. This Order superseded all of the priority regulations issued by the War Production Board insofar as those regulations applied to food.

The Order provides for ratings to be granted by the Director of Distribution, but authorizes an automatic rating of FR-10 in certain instances. By informal agreement with members of the Inter-Agency Food Procurement Committee, agencies authorized to issue automatic rating certificates consult with the Office of Distribution prior to the exercise of such authority. The definition of food in the order is identical with the definition in Executive Order 9280 [Exhibit A] except that the fibers are omitted and certain fats and oils products are included. These latter products were included, under arrangements with the War Production Board, inasmuch as the allocation authority over these products was exercised by the Office of Distribution as a necessary complement to the allocation of fats and oils. (See Chapter VI (E) Vegetable and Animal Fats and Oils).

transportation of materials among the various demands of the total defense program.

On January 16, 1942, by E. O. 9024, 7 F. R. 329, the War Production Board was established within the Office for Emergency Management. The broad powers previously vested in the Supply Priorities and Allocations Board were transferred to the War Production Board and it was ordered that the new Board supervise the Office of Production Management in the performance of its responsibilities and duties. E. O. 9040, 7 F. R. 527, and E. O. 9125, 7 F. R. 2719, defined additional duties and powers of the War Production Board. The latter order authorized the Chairman of the War Production Board to delegate to or exercise through the Office of Price Administration his powers with respect to priorities or rationing.

The assignment of priorities with respect to the Nation's food program was delegated to the Secretary of Agriculture on December 5, 1942, by E. O. 9280, 7 F. R. 10179, as amended. This order authorized and directed the Secretary [now the War Food Administrator] to "Assign food priorities and make allocations of food for human and animal consumption to governmental agencies and for private account, for direct and indirect military, other governmental, civilian, and foreign needs."

War Food Order No. 71 is administered by the Director of Distribution. He has delegated (Memorandum No. 52, April 2, 1943) this authority to the Deputy Director for Supply with respect to Government agency requests for priority assistance and to the Deputy Director for Civilian Programs with respect to civilian requirements. Each of these officials is assisted by a committee representing other governmental agencies concerned with the procurement and distribution of food. These Deputy Directors receive applications for priority ratings and have authority to deny the application or to grant the application by the issuance of a priority rating certificate over the signature of the Deputy Director for Supply. This certificate states the rating granted, the purpose for which it may be used, and the time within which it must be used.

Priorities on food commodities which are used in part or in whole as production inputs are issued only with the approval of the Office of Production or the Commodity Credit Corporation in accordance with the memorandum of the Secretary to the Director of Distribution dated March 6, 1943.

In order to prevent the issuance of priorities for civilian purposes that might interfere with rationing, an informal agreement was entered into between members of the War Food Administration and Harold Rowe, Office of Price Administration, in which it was agreed that the Office of Price Administration would be consulted before the issuance of any food priorities for civilian use of rationed food; that such priority would apply only to the amount of rationed food specified by the Office of Price Administration; and that all certificates in connection with such priority would be concurred in by the Office of Price Administration. In order to effectuate this agreement, the Office of Price Administration is represented on a committee which advises regarding civilian priorities (see Director's Memorandum 52).

The applicability of priorities issued under regulations of the War Production Board and priorities under regulations of the War Food Administration to a commodity which has both food and non-food uses has been the subject of an opinion of the Solicitor (Op. Sol. 4622) [Exhibit Z], and of correspondence with industry by the agency involved (Exhibit DD and Exhibit FF). Generally speaking, priorities under War Food Order 71 are applicable to a commodity so long as it is a food or is capable of being used as a component part of a processed food. However, food commodities or derivatives therefrom which have been so processed that they are no longer intended or fit for human or animal consumption, and therefore have ceased to be food, are subject to the applicable priority regulation of the War Production Board.

4. Rationing of Food for Human and Animal Consumption to Civilian Consumers.

a. Food Rationing Prior to Executive Order 9280.

Rationing authority has its inception in the Act of June 28, 1940

(Public Law 671), as amended by the Act of May 31, 1941 (Public Law 89), and by Title III of the Second War Powers Act which gave the President power to allocate materials and facilities "in such manner, upon such conditions and to such extent as he shall deem necessary or appropriate in the public interest and to promote the National defense." By Executive Order 9040, after a previous transfer to the Office of Production Management by Executive Order 8875, the President transferred this power to the Chairman of the War Production Board. This agency, in turn, issued its Directive No. 1 authorizing the Office of Price Administration to exercise rationing control over "(1) the sale, transfer, or other disposition of products by any person who sells at retail to any person, and (2) the sale, transfer, or other disposition of products by any person to an ultimate consumer". An "ultimate consumer" was defined as one who acquires products for the satisfaction of personal needs as distinguished from one who acquires products for business purposes. The acquisition of commodities by the Military Forces and Governmental Agencies for export purposes was not made subject to rationing control by the Office of Price Administration. The President by Executive Order 9125, dated April 7, 1942, substantiated this delegation of authority by the War Production Board to the Office of Price Administration.

The War Production Board, subsequent to the issuance of Directive 1, specifically authorized the Office of Price Administration to ration sugar (Directive 1-E, April 22, 1942), farm machinery and equipment (Directive 1-K, September 12, 1942), meat (Directive 1-M, September 12, 1942), coffee (Directive 1-R, November 20, 1942), and fluid milk shipping containers, covers, and farm fencing (Directive 1-P, October 30, 1942). In addition, the War Production Board authorized the Office of Price Administration to ration materials in Puerto Rico and the Virgin Islands (Directive 1-J, October 27, 1942), and in the Panama Canal Zone (Directive 1-L, September 10, 1942).

The Office of Price Administration by Administrative Orders Nos. 28 and 30, dated September 15, 1942 and November 11, 1942, respectively, delegated to the Secretary of Agriculture its authority under War Production Board Directives 1-K and 1-P with regard to the civilian rationing of farm machinery and equipment, fluid milk shipping containers and covers, and farm fencing. On April 21, 1942, the Office of Price Administration inaugurated a sugar rationing program (Rationing Order No. 3), and, on October 1, 1942, that Office issued Restriction Order No. 1, restricting slaughterers in the sale and delivery of meat to specified quotas for designated periods. Coffee was rationed as of November 20, 1942, pursuant to Office of Price Administration Rationing Order No. 12. Such power as the Director of Economic Stabilization has over rationing is derived from paragraph 3 of Title I of Executive Order 9250. Under this paragraph, the Director, with the approval of the President, is given the power to formulate and develop a comprehensive National economic policy relating, among other things, to civilian rationing, to give effect to the comprehensive National policy. The

Director is granted the further power to issue directives on policy to the Federal Departments and agencies concerned.

This is in substance the status of the food rationing program as it stood on December 5, 1942, when the Secretary of Agriculture assumed responsibility for and control over the nation's food program.

b. Provision of Executive Order 9280 with Regard to Civilian Rationing.

Section 4 of Executive Order 9280 provides as follows:

"Sec. 4. The Secretary, after determining the need and the amount of food available for civilian rationing, shall, through the Office of Price Administration, exercise the priorities and allocation powers conferred upon him by this Executive Order for civilian rationing, with respect to (a) the sale, transfer, or other disposition of food by any person who sells at retail to any person, and (b) the sale, transfer, or other disposition of food by any person to an ultimate consumer, as is currently provided for in War Production Board Directive No. 1, dated January 24, 1942, and existing supplements thereto; and with respect to (c) the sale, transfer, or other disposition of food by any person at such other levels of distribution as he may determine; and in the administration or enforcement of any such priorities or allocation authority for civilian rationing, the Office of Price Administration, subject to the provisions of this Executive Order, is hereby authorized to exercise all the functions, duties, powers, authority, or discretion conferred upon the Price Administrator by Section 3 of Executive Order 9125 of April 7, 1942. The Secretary, before determining the time, extent, and other conditions of civilian rationing, shall consult with the Price Administrator."

Existing ration orders issued by the Office of Price Administration pursuant to its authority under Directives from the War Production Board remained in full force and effect until expressly superseded or set aside by the War Food Administrator (section 14 of Executive Order 9280, as amended).

c. Rationing of Food Subsequent to Executive Order 9280.

(1). Food Directives 1 and 3.

On January 16, 1943, the Secretary of Agriculture, by Food Directive 1, extended the existing authority of the Office of Price Administration to ration foods to civilian consumers to include the exercise of control over the sale, transfer, delivery, or other disposition of

processed foods. 26/ Pursuant thereto the Office of Price Administration announced on February 9, 1943, that "processed foods" would be rationed by what was called a "point" system (Rationing Order 13).

Food Directive 1 was superseded by Food Directive No. 3, issued February 15, 1943, now War Food Order No. 56, and Food Directive No. 5, issued February 20, 1943, now War Food Order No. 58. By War Food Order No. 56, the Office of Price Administration is authorized and directed to exercise control over the sale, transfer, delivery, or other disposition of rationed food by or to any person, and over the use of rationed food by any person. The term "rationed food", as used in War Food Order No. 56, means any food the civilian consumer rationing of which has been authorized by the War Production Board or by the War Food Administrator. War Food Order No. 56 superseded the delegation of authority to the Office of Price Administration by War Production Board Directives Nos. 1, 1-E, 1-M, and 1-R, and by Food Directive 1 issued by the Secretary of Agriculture.

(2) War Food Order No. 57, formerly Food Directive 4.

On February 27, 1943, the Secretary of Agriculture, by Food Directive 4, declared that all foods in Alaska and Hawaii "were to be rationed food for the purposes of Food Directive 3". This delegation of authority gave to the Office of Price Administration the power to inaugurate rationing programs for any or all food products in the two territories as it may consider necessary. This is much broader than the authority heretofore vested in the Office of Price Administration to ration foods in the United States and other territories subject to rationing control. According to Food Directive 3, now War Food Order No. 56, and the Agreement of February 12, 1943, between the Office of Price Administration and the Department of Agriculture [Exhibit H], it is the War Food Administrator who is to direct the initiation of a rationing program with regard to specified commodities pursuant to a determination by him that the civilian rationing of those commodities is necessary.

(3) Food Rationing Policy Committee

By the "Agreement as to the Responsibilities of the Department of Agriculture and the Office of Price Administration in the Rationing of Foods," dated February 12, 1943 [Exhibit H3], there was established a Food Rationing Policy Committee to expedite the consideration of matters mutually concerning both agencies. The committee consists of representatives of the Office of Distribution and the Office of Production of the Department, and the Rationing Department of the Office of Price Administration.

26/ The term "processed foods", as defined in Food Directive No. 1, means and includes (1) all fruits, fruit juices, vegetables, vegetable juices, soups, baby foods, fish, shell fish, and milk, (2) all jams, jellies, preserves, fruit butters, pickles and relishes, (3) all frozen fruits and vegetables, (4) all dried and dehydrated fruits and vegetables, (5) all combinations of any of the foregoing with meat, and (6) all combinations of any of the foregoing.

It was understood by the parties to the above agreement that the committee "shall not concern itself with matters clearly delegated to the respective agencies of the foregoing portion of this agreement, but rather shall direct its attention to those problem areas where concern is mutual and joint consideration of policy matters is required."

More detailed procedure formulated pursuant to this agreement is contained in Director's Memorandum No. 51, Supp. 1, August 2, 1943.

(4) War Food Order No. 58 formerly Food Directive 5.

Food Directive 5, now War Food Order No. 58, was issued by the Secretary of Agriculture on February 20, 1943, and amended by the Acting Secretary of Agriculture on March 20, 1943. The order provides that "in order to permit efficient rationing of processed foods, processed foods are hereby declared to be rationed foods for the purposes of Food Directive No. 3." "Processed Food" is defined in Food Directive No. 5, as amended, now War Food Order No. 58, to mean and include the following:

1. "All fruit, fruit juices, vegetables, vegetable juices, soups, baby foods of all kinds, and milk packed in hermetically sealed containers of any type.
2. "All fish or shellfish, or any part of them, fish roe, including Caviar, and any edible product containing more than 2- percent by weight of any of these items packed in hermetically sealed containers of any type.
3. "All jams, jellies, preserves, fruit butters, pickles and relishes.
4. "All frozen fruits and vegetables.
5. "All dried and dehydrated fruits and vegetables.
6. "All dried and dehydrated soups, including but not limited to meat, poultry, or vegetable bouillon cubes.
7. "All combinations of any of the foregoing with meat.
8. "All combinations of any of the foregoing."27/

27/ Ration Order No. 13, issued by the Office of Price Administration on February 9, 1943, provides for the rationing of processed foods to consumers, wholesalers, retailers, industrial and institutional users on the point system.

(5) War Food Order No. 59, formerly Food Directive 6.

On March 20, 1943, the Acting Secretary of Agriculture, issued Food Directive No. 6, declaring fats and oils and cheese to be rationed food for the purposes of "Food Directive No. 3." The term "fats and oils" as used in the Directive, means "all glycerides of the higher fatty acids, liquid or solid, and includes, without limitation, all animal, marine animal, vegetable fats and oils, and butter." The term "cheese" means "the edible product made from the milk, cream, or whey of cows or other animals by any process of coagulation followed by a partial separation of the coagulum or curd from the liquid or whey and with or without further treatment, or by a mechanical process of forming a liquid of plastic emulsion or mixture of milk or any part of milk with added milk solids, whether accompanied by a process of coagulation and separation of the coagulum or not, and with or without further treatment."28/

(6) War Food Order No. 61, formerly Food Directive 7.

Food Directive No. 7 was issued by the Acting Secretary of Agriculture on March 30, 1943. The Office of Price Administration was thereby authorized to exercise all the powers delegated to it by "Food Directive No. 3" with respect to all meats. As used in the directive, the term "meats" means and includes "the carcasses or any edible part of the carcasses of cattle, calves, sheep, lambs, or swine and includes edible offal, bones and skins and any other edible product containing more than 2- percent by weight of any of those items."29/ War Food Order No. 61 supersedes the delegation of authority to the Office of Price Administration made by War Production Board Directive No. 1, and by Supplementary Directive No. 1-M, to the extent that those directives confer authority with respect to control over "meats".

Pursuant to its authority under War Production Board Directive No. 1, and No. 1-M, the Office of Price Administration issued on October 1, 1942, Restriction Order No. 1, restricting slaughterers in their deliveries of controlled meats to designated quotas. "Controlled Meats" as used in the War Production Directives, include "the dressed carcasses of cattle, calves, sheep, lambs, and swine and any processed or unprocessed edible part, cut or trimmings thereof". On April 1, 1943, the function of administering and enforcing the provisions of Restriction Order 1 was delegated by the Office of Price Administration to the Department of Agriculture.

28/ By Ration Order No. 16, issued by the Office of Price Administration on March 20, 1943, and as amended, the rationing of meats, fats, fish and cheeses to consumers, wholesalers, retailers, and institutional users on the point system was provided for. The Office of Price Administration redelegated to the Fats and Oils Branch of the Food Distribution Administration [Office of Distribution] authority to ration fats and oils to industrial users. Pursuant thereto, regulations for the rationing of fats and oils to industrial users are in the process of being issued by the War Food Administrator to be administered by the Fats and Oils Section of the Office of Distribution.

(7) War Food Order No. 64 formerly Food Directive 8.

Food Directive 8, now War Food Order No. 64, was issued by the Acting War Food Administrator on May 26, 1943. The Office of Price Administration was thereby authorized to exercise its powers under "Food Directive 3", with respect to any sugar used in the manufacture of any imported product or in the manufacture of any ingredient of such product. As used in this order, the term "imported product" means any product which is manufactured outside of the 48 states of the United States, and the District of Columbia, and which is brought into any of the 48 states or the District of Columbia in any manner. The term "sugar" means direct consumption sugar as defined in War Production Board Directive No. 1-E. "Direct consumption sugar" is therein defined to mean any sugar which is not to be further refined or otherwise improved in quality, and includes raw sugar delivered for use in manufacturing any product other than direct consumption sugar.^{30/}

(8) War Food Order No. 68, formerly Food Directive 9.

In order to permit the efficient rationing of food in Puerto Rico, the Virgin Islands, and the Panama Canal Zone, all foods in those Territories were declared by Food Directive No. 9, now War Food Order No. 68, to be "rationed foods" for the purposes of Food Directive No. 3. "Food Directive No. 9" superseded the delegations of authority to the Office of Price Administration by War Production Board Directives No. 1, No. 1-J, and No. 1-L, insofar as they confer authority to ration foods in Puerto Rico, the Virgin Islands, and the Panama Canal Zone.

C. Domestic Food Procurement

1. Inventories

The Department of Agriculture for some time prior to the emergency had been engaged in the procurement of surplus agricultural commodities and products thereof for diversion from the normal channels of trade and commerce through disposition for relief purposes. Early in 1941, in view of the impending lend-lease demand for food, the President approved the institution of the General Commodity Purchase Program by which the personnel and facilities of the Department engaged in procurement activities would be utilized for lend-lease food procurement and by which such procurement would be coordinated with the general farm programs of the Department. Under the General Commodities Purchase Program, inventories

^{29/} See foot note 28.

^{30/} By Ration Order No. 3, dated April 24, 1943, the Office of Price Administration inaugurated a program for the rationing of sugar to consumers, industrial and institutional users, retailers and wholesalers.

of food commodities necessary to meet the demands of certain governmental programs are acquired. Commodities are transferred from these inventories to lend-lease, the Red Cross,^{31/} the Territorial Emergency Program,^{32/} the War Shipping Administration, and the military forces.

Until the middle of March 1944, these inventories were acquired and maintained by the Federal Surplus Commodities Corporation^{33/} with funds made available by Commodity Credit Corporation. On March 18, 1944, pursuant to Administrator's Memorandum No. 27, Supplement 4, Amendment 2 (see Chapter III (A) (3) hereof), these inventories were taken over directly by the Commodity Credit Corporation and operations under the General Commodities Purchase Program are now in the name of the latter corporation. By this memorandum, the powers of the Commodity Credit Corporation were directed to be utilized for all lending, buying, selling, storage, transportation and subsidy activities of the War Food Administration with respect to food and food facilities. The President of the Corporation was given responsibility for such activities with respect to certain designated agricultural commodities. Responsibility for such activities with respect to all other food commodities was assigned to the Director of Distribution who was directed to utilize the facilities of the Office of Distribution in the exercise of these powers in his capacity as Vice President of the Corporation.

^{31/} By Executive Orders No. 8495, dated July 26, 1940, and No. 8943, dated November 19, 1941, the Department of Agriculture was designated to procure agricultural commodities and foodstuffs for delivery to the Red Cross for distribution for the relief of refugee men, women and children, pursuant to Section 40 of the Emergency Relief Appropriation Act, Fiscal Year 1941, the item entitled Foreign War Relief contained in the Third Supplemental National Defense Appropriation Act, 1942, and subsequent continuing legislation.

^{32/} Immediately after the attack upon Pearl Harbor the necessity of building up food reserves in the insular possessions and territories of the United States became apparent in view of the shipping situation. By the Act of December 23, 1941, Congress made available to the Department of Agriculture funds for the procurement, transportation and distribution of agricultural and other commodities and supplies to meet the emergent requirements of the civilian population of the territories and possessions. Under this act commodities are procured and stored in the islands for sale through normal commercial channels.

^{33/} By section 5 of Reorganization Plan No. III the Federal Surplus Commodities Corporation as an agency of the Government was, effective June 30, 1940, consolidated into an agency of the Department of Agriculture known as the Surplus Marketing Administration. By Executive Order 9069, dated February 25, 1942, the Surplus Marketing Administration became the Agricultural Marketing Administration which in turn became, by Section 13(b) of Executive Order 9280, dated December 5, 1942, the Food Distribution Administration. The Federal Surplus Commodities Corporation as an agency of the Government functions within the Office of Distribution.

The Director of Distribution, by Director's Memorandum No. 2, Supplement 31, dated March 9, 1944, as amended, established in the Office of Distribution a Procurement and Price Support Branch. Certain employees of the branch have been designated as contracting officers of the Commodity Credit Corporation and authorized to execute contracts in the name of the Corporation with respect to those commodities to which the Director, as Vice President of the Corporation, was given responsibility.

By arrangement between the Office of Distribution and the War and Navy Departments, each engages in preclusive procurement of certain designated commodities which are then made available to the other agencies. Transfers from one of these agencies to the other are made on a commodity cost basis. This gives to the Government all possible advantages of a centrally controlled procurement policy, pooled working inventories, and selective distribution of supplies.

2. Coordinating Committees and Boards

On January 28, 1943, the Director of Distribution announced the establishment of the Inter-Agency Procurement Committee (Director's Memorandum No. 16, Supp. E). It is the responsibility of this Committee to coordinate food procurement activities in the various governmental procurement agencies - including such matters as purchase policies, methods, procedures, packaging and transportation, shipping, warehousing, specifications, price policies in agency transfers, correlation of timing of purchase and associated problems - for the purpose of securing efficient and smoothly functioning food procurement throughout the Government. Policies concerning food procurement, involving an inter-agency relationship, are brought before the Committee for consideration and review. Whenever any limitation, reservation, or conservation Order is prepared for issuance or whenever any other regulatory measure affecting procurement is proposed, it is referred to the Procurement Committee for recommendations with respect to policies and methods of governmental procurement (see Director's Memorandum No. 15, Supp. 7, dated May 15, 1943).

The Deputy Director for Supply, within the Office of Distribution, was designated by the Director as Chairman of the Committee (Director's Memorandum No. 2, Supplement 31, dated March 9, 1944).

To assist the Inter-Agency Procurement Committee in coordinating governmental procurement programs and to effectuate those programs with utmost speed and efficiency, Coordination Boards, as sub-committees within the Inter-Agency Procurement Committee, have been established. Each Board has jurisdiction only with regard to a specified commodity or class of commodities. To date three such Boards have been created and are presently operating pursuant to understandings entered into between the War Food Administration, the United States Armed Forces, and the Office of Price Administration. These Boards are: The Poultry & Egg Coordination Board, The War Fruit and Vegetable Board, and The Dairy Procurement Board. The Chairman of each Board is the representative from the Office of Distribution, and other members are representatives of the United States Armed Forces and the Office of Price Administration. The organization of each of the three Boards and their functions are set out

in detail in copies of Memoranda of Understanding between the three agencies, appended hereto as Exhibit Q (Poultry and Egg Coordination Board); Exhibit N (Fruit and Vegetable Procurement Board); and Exhibit P (Dairy Procurement Board).

There has also been established a War Meat Board designed to coordinate the Consumer Rationing Programs and the governmental meat procurement programs. Although the Meat Board is somewhat similar in design and operation to the three Coordination Boards named above, it is not a sub-committee of the Inter-Agency Procurement Committee. Appended hereto as Exhibit K is a copy of a Memorandum of Understanding between the War Food Administration, United States Armed Forces, and the Office of Price Administration with regard to the formation and operation of the War Meat Board.

D. Foreign Food Procurement and Importation

1. Public Purchases of Commodities Abroad

On September 25, 1943, the President by Executive Order 9380 (8 F.R. 13081) [Exhibit T], in order to unify government activities relating to foreign economic affairs, established the Foreign Economic Administration and transferred thereto and consolidated therein, the Office of Lend-Lease Administration, the Office of Foreign Relief and Rehabilitation Operations, the Office of Economic Warfare, and the Office of Foreign Economic Coordination, the agencies and offices consolidated to continue to exercise their respective functions pending contrary determinations by the Administrator. The Executive Order did not in and of itself affect or alter existing procedures for the procurement, production, and importation of commodities from abroad through public purchase programs. That procedure was in general terms as follows: By Executive Orders Nos. 8839, dated July 30, 1941, 8900, dated September 15, 1941, 8982, dated December 17, 1941, and 9128, dated April 13, 1942, the President delegated to the Board of Economic Warfare^{34/} general overall authority with regard to economic activities and transactions between the United States Government and the governments of other allied nations.

On July 15, 1943, the organization of the Board of Economic Warfare was reconstituted, and its name was changed to "Office of Economic Warfare" (Executive Order 9361) ^{35/}. The foreign procurement functions of the Office of Economic Warfare and the overall jurisdiction of the Chairman of the War Production Board to exercise general direction and control over the war procurement and production program were correlated in the manner prescribed by Section 1 of Executive Order 9128 (7 F. R. 2809) which provides:

^{34/} By Executive Order 9361 (8 F.R. 9861), dated July 15, 1943, the President terminated the Board of Economic Warfare and established in its place the "Office of Economic Warfare". The U. S. Commercial Company, the Rubber Development Corporation, the Petroleum Reserve Corporation, and the Export-Import Bank of Washington, and their functions, powers, and duties were transferred to the newly created Office of Economic Warfare.

"(1) . . . the Board [Office] of Economic Warfare is authorized and directed to:

"a. Receive and be responsible for executing directives from the Chairman of the War Production Board as to quantities, specifications, delivery time schedules, and priorities of materials and commodities required to be imported for the war production effort and the civilian economy; and determine the policies, plans, procedures and methods of the several Federal departments, establishments, and agencies with respect to the procurement and production of such materials and commodities, including the financing thereof; and issue such directives or initiate such proposals in respect thereto as it may deem necessary."

By Executive Orders Nos. 9280 and 9322, as amended by Executive Orders Nos. 9334 and 9392, the President transferred the responsibility for and the authority to issue these directives, originally issued by the War Production Board to the Office of Economic Warfare under Section 1 (a) of Executive Order 9128, quoted above, to the Secretary of Agriculture and subsequently to the War Food Administrator insofar as the importation of food for human and animal consumption was concerned. Those directives which related to the importation of food for industrial purposes were to be issued jointly by the Chairman of the War Production Board and the War Food Administrator (Section 5, Executive Order 9280).

The Secretary of Agriculture provided in his memorandum No. 1054, Supp. 2, dated January 22, 1943, since suspended, that the Commodity Credit Corporation would be responsible for:

"The administration of programs relating to the foreign purchase or importation of food and food facilities, including the preparation of directives in accordance with the recommendations of the Committee on Foreign Purchase and Importation, to be issued to the Board of Economic Warfare by the Secretary of Agriculture, or by the Chairman of the War Production Board and the Secretary jointly"

The President of the Commodity Credit Corporation was named Chairman of the Committee on Foreign Purchase and Importation. It was the function

34/ (continued) It was a part of the economic policies of the Office of Economic Warfare, as approved by the War Mobilization Committee, which approval is required by Executive Order 9361;

"to provide for the procurement and production of materials and commodities in foreign countries so as to: (1) effectuate with maximum speed the execution of the directives of the Chairman of the War Production Board and the War Food Administration as to quantities, specifications, delivery time schedules, and priorities of materials and commodities required to be imported for the war production effort and the civilian economic" (8 F.R. 11770).

of that Committee to correlate data submitted by Requirements and Allocations Control Branch of the Food Distribution Administration as to food requirements for all purposes and domestic supply estimates (Directors Memorandum No. 2, January 13, 1943) with information supplied by the Commodity Credit Corporation as to feasible and prospective supplies that may be available from foreign sources for the purpose of recommending to the War Food Administrator certain foreign purchase programs.

In the event that the Committee on Foreign Purchase and Importation, upon the basis of available information, decided that the commodities required to be purchased abroad and imported should be acquired by public purchase, it was necessarily to be guided by the agreement of February 11, 1943, between the Office of Economic Warfare and the Department of Agriculture, in deciding whether the Office of Economic Warfare or the Commodity Credit Corporation was the appropriate agency to make the purchase. Under the terms of that agreement, the Commodity Credit Corporation was to negotiate and execute all public purchase contracts with respect to "spot offerings" of food or food facilities from foreign sources. All other purchase contracts were to be negotiated by the Office of Economic Warfare for and on behalf of the Commodity Credit Corporation with the Corporation executing the contract, accepting delivery of the commodity, and disbursing funds under the contract. In these instances where the Office of Economic Warfare was the proper agency to negotiate the contract, the Committee on Foreign Purchase and Importation was required to make recommendations to that effect to the Commodity Credit Corporation, upon which recommendations the corporation prepared directives with respect thereto to be issued to the Office of Economic Warfare by the War Food Administrator (Memorandum No. 1054, Supp. 2, January 22, 1943). If the contemplated foreign purchase of a commodity subject to be used industrially was of such a nature as to require the Office of Economic Warfare to negotiate the purchase contract, the directive to the Office of Economic Warfare was issued jointly by the Chairman of the War Production Board and the War Food Administrator.

The above describes in general terms the manner in which food for human and animal consumption and for industrial purposes was acquired by public purchase from foreign sources at the time the Foreign Economic Administration was established and until the issuance of Executive Order 9385 on October 6, 1943 (8 F.R. 13783) [Exhibit E].

Executive Order 9385 was issued for the purpose of more completely unifying and consolidating governmental activities relating to foreign economic affairs. Section 1 of the Order provides for the transfer to and consolidation in the Foreign Economic Administration of all the functions exercised at the time by the War Food Administration and the Commodity Credit Corporation with respect to the procurement and development of food, food machinery, and other food facilities in foreign countries. These functions are hereafter to be performed by the Foreign Economic Administration according to directives to be issued to the Administration by the War Food Administrator with respect to food for human and animal consumption and by the War Food Administrator and the Chairman of the War Production Board jointly with respect to food for

industrial uses. These directives may ". . . set forth . . . the quantities, specifications, priorities, and times and places of delivery relating to such procurement, and . . . append . . . suggestions as to the sources and prices relating to such procurement." Executive Order 9385 did not affect the authority of War Food Administration and the Commodity Credit Corporation with regard to the procurement of sugar produced in the Caribbean Area or as to the procurement of any commodity in the Dominion of Canada.

Section 4 (b) of Executive Order 9385 provides as follows:

"The provisions of this Order shall not affect the existing authority of the War Food Administrator or of the War Production Board with respect to priorities and allocations, or to define general policies, subject to the authority of the Office of War Mobilization under Paragraph 4 of Executive Order No. 9361 of July 15, 1943, with respect to the procurement and development of food, food machinery, and other food facilities in foreign countries for use in foreign countries."

The Office of Foreign Agricultural Relations is presently engaged in the direction of programs in foreign countries designed to produce quantities of particular commodities for consumption within such foreign countries. Under Section 4 (b), quoted above, authority for the direction of such programs by the War Food Administration was not diminished. Neither did Executive Order 9385 infringe the authority of the Administration to direct the distribution, by means of allocations and priorities, of the commodity after its importation into the country is completed. Also, the War Food Administration's authority to allocate import business among private importers and dealers remained unaffected by the terms of the Order.

By a Memorandum of Understanding for the Purpose of Implementing Executive Order No. 9385 and for Other Related Purposes, effective as of January 1, 1944 [Exhibit U] the foreign purchase functions, including contracts, of the Commodity Credit Corporation with respect to food except in the case of imports from Canada and sugar produced in the Caribbean Area, food facilities, and food machinery, were transferred to the Foreign Economic Administration in fulfillment of the requirements of Executive Order 9385. The memorandum, in addition, provided for the transfer of inventories of certain commodities in the United States.

On April 4, 1944, there was established an Inter-Agency Food Importation Committee, replacing the Department Committee on Foreign Purchase and Importation established by Secretary's Memorandum No. 1054, Supplement 2. (Administrator's Memorandum No. 27, Supplement 4, Amendment 3) [Exhibit KK]. The Committee is composed of the Directors of Distribution, Transportation, Production, Foreign Agricultural Relations, the President of the Commodity Credit Corporation, or their designees, and representatives of such other agencies as may be invited by the Chairman. The responsibilities of the Committee are as follows:

The Chairman, in consultation with members of the Committee, shall be responsible for--

1. Determining and recommending to the War Food Administrator quantities of food to be imported into the United States, sources of supply, and the most appropriate method (i.e., public purchase or private import).
2. The preparation of directives for the foreign procurement of food for human or animal consumption through public purchase to be issued to the Foreign Economic Administration by the War Food Administrator, provided that such directives with respect to feed, fertilizers, seeds, and other production facilities shall be submitted to the War Food Administrator with the concurrence or recommendation of the Director of Production.
3. Participation with representatives of the War Production Board in the preparation of directives which are to be issued to the Foreign Economic Administration jointly by the Chairman of the War Production Board and the War Food Administrator relative to the importation of food for industrial uses.
4. Recommendations to the Inter-Departmental Shipping Priorities Advisory Committee of Shipping quotas and shipping priorities to be established for the importation of food and food facilities. In collaboration with the Director of Transportation, the Chairman, or a joint designee, shall represent the War Food Administrator on the Inter-Departmental Shipping Priorities Advisory Committee.

The Chairman or his designee shall--

1. Refer to the Director of Transportation, or his designee, the determinations made as to shipping quotas and priorities, who shall thereupon have the responsibility, as liaison between the War Food Administration and the War Shipping Administration, of making every effort to see that over-all shipping is provided to meet the requirements of the shipping quotas and priorities established.
2. In collaboration with the Director of Transportation work out the month-to-month scheduling of importations with the War Shipping Administration.

2. Private Purchases of Commodities Abroad.

The purchase of property in foreign countries and its importation into the continental United States by private persons is presently controlled by means of War Production Board General Import Order M-63, as amended September 23, 1943 (8 F.R. 12974). The purpose of the Order is

to take the best advantage of available shipping space by requiring that commodities be imported in the order of their importance. The Order provides that no person, except as authorized in writing by the War Production Board, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for; the import of, any of the commodities which are from time to time made subject to the Order. Those commodities subject to the order are set out in Lists I, II, III, appended to the Order.

Policies regarding import requirements for food must necessarily depend upon the results of the correlation of overall food requirements with prospective domestic supplies as well as on the availability of shipping space. The advice and guidance of the War Food Administrator would appear necessary, therefore, to the proper administration of General Import Order M-63 insofar as its administration depends upon the determination of the amounts of foods required to be imported and the relative importance in the food program of the various commodities involved.

As has been pointed out, the authority to supervise the departmental program relating to foreign purchases and importations was delegated by the Secretary of Agriculture to the Commodity Credit Corporation by Secretary's Memorandum No. 1054, Supplement 2. However, on February 13, 1943, it was agreed between the Food Distribution Administration and the Commodity Credit Corporation that:

"5. Because the administration of the General Import Order M-63 determines the distribution of the import business among importers and dealers, the allocation work of the Food Distribution Administration will be facilitated if the administration of the Order is placed in that agency. However, it is recognized that the negotiations and operation of public purchase programs is directly influenced by the impact on foreign markets of the operation of General Import Order M-63, and the Food Distribution Administration agrees to adjust its administration of the Order to conform to the requirements of public purchase programs as these requirements are described by the Commodity Credit Corporation. Moreover, it is understood that private importations must be carried out within the framework of any government-to-government commodity agreements that are now extant or that may be subsequently negotiated."

Thereafter, on March 11, 1943, the Director of Distribution by his Memorandum No. 15, Supplement 4, established machinery for the administration of General Import Order M-63. A Food Distribution Administration Sub-committee on Foreign Purchase and Importation was created and charged with the responsibility of determining overall policies and passing on all basic programs in connection therewith. The Assistant Deputy Director in Charge of Procurement (now Deputy Director for Supply) was designated as Chairman of the Sub-committee; and it was his responsibility

to coordinate all Food Distribution Administration operations under General Import Order M-63, to act as liaison officer with regard to operations which cut across commodity branch lines, and to serve as a central clearing point with the War Production Board and other agencies relating to operations in connection with private importations. As indicated above, the Director of Distribution, in his capacity as Chairman of the Inter-Agency Food Importation Committee, now acts as liaison officer between the War Food Administration and the War Production Board in the administration of that part of the War Production Board M-63 which deals with the importation of food and food facilities for the account of private importers.

The Director's Memorandum No. 15, Supplement 4, assigned to (a) the Special Commodities Branch of the Office of Distribution the responsibility for administering that part of War Production Board Order M-63, which refers to the importation of food stuff other than sugar, fats, and oils, and oil-bearing materials for the account of private import organizations, to (b) the Sugar Branch the responsibility for administering War Production Board Order M-63, insofar as it relates to the importation of direct consumption sugar, and (c) the Fats and Oils Branch the responsibility of administering that part of the War Production Order M-63 which has to do with the importation of fats and oils and oil-bearing materials and the allocation of them among various importers.

By Director's Memorandum No. 2, Supplement 31, dated March 9, 1944, as amended: establishment of a Procurement and Price Support Branch within the Office of Distribution under the direction of the Deputy Director for Supply was announced. This Branch was assigned the function, among others, "to coordinate the work of the Office of Distribution in connection with the administration of War Production Order M-63".

3. The War Shipping Administration.

Paragraph 5 of Executive Order 9280 provides:

"Schedules of priorities heretofore prepared and issued by the Chairman of the War Production Board under Executive Order 9054 of February 7, 1942, for the importation by overseas transportation of food for human and animal consumption and for industrial uses, shall be similarly issued, and transmitted to the Administrator of the War Shipping Administration for his guidance."

The words "similarly issued" refer to the preceding sentence in paragraph 5, which provided that the Secretary of Agriculture (War Food Administrator) shall issue those directives to the Board of Economic Warfare (Foreign Economic Administration; Executive Order 9380), which relate to the importation of food for human and animal consumption, and that the Chairman of the War Production Board and the Secretary of Agriculture (War Food Administrator) shall jointly issue those which relate to the importation of food for industrial uses.

The President established the War Shipping Administration and delegated to it such authority as would insure a more effective utilization of the Merchant Marine of the United States (Executive Order 9054, dated February 7, 1942). The authority of the Administration was extended by Executive Order 9350 until six months after the end of the war. Section 6 of Executive Order 9054 provides as follows:

"With respect to the overseas transportation of cargoes essential to the war production effort and the civilian economy, the Administrator (of the War Shipping Administration) shall be guided by schedules transmitted to him by the Chairman of the War Production Board, prescribing the priority of movement of such commodities and materials."

At the time the President delegated full authority for the food program to the Secretary of Agriculture, the Chairman of the War Production Board had placed some 500 items of import from all parts of the world on an emergency shipping list. The War Shipping Administration agreed to limit cargoes on ships within its jurisdiction to items on the emergency list. All ships belonging to the United Nations are affected. Neutral ships, which are not under the complete control of the War Shipping Administration, may carry only such cargoes as conform to the regulations of General Import Order M-63, if the cargo is to be legally imported into the United States.

Many of the items of priority cargo are "foods" within the meaning of that term as it is defined in Executive Order 9280 and are now within the jurisdiction of the War Food Administration. Under paragraph 5 of Executive Order 9280, quoted above, the War Food Administrator has the exclusive authority to prepare schedules for the importation of foods which are to be used only for edible purposes and to transmit those schedules to the Administrator of the War Shipping Administration, whereas joint action between the War Food Administration and the War Production Board is required only with regard to those foods serving both edible and inedible uses.

However, notwithstanding the clearly defined authority of the War Food Administrator in this regard, it was recognized at an early time in the food program that it would be impracticable, if not impossible, from an administrative point of view, to administer the program for the importation of food serving edible purposes without a close working relationship with the War Production Board. This conclusion was predicated upon the fact that schedules for the importation of food must necessarily be prepared in the light of information as to available space on boats bound for the United States as well as on the basis of the need of the particular commodity to supplement the domestic supply thereof in order to meet overall requirements. The availability of shipping space for food necessarily depends upon overall estimates of requirements for the importation of all other commodities.

In order to coordinate the import programs of the War Production Board and the Department of Agriculture (War Food Administration),

the Secretary of Agriculture directed the Chairman of the Committee on Foreign Purchase and Importation, now the Inter-Agency Food Importation Committee, to represent the Secretary (War Food Administrator) in integrating schedules of priorities for the importation of food, prepared by the Committee, with schedules for the importation of other commodities, prepared by the Division of Stockpiling and Transportation of the War Production Board, and to "arrange, jointly with representatives of the War Production Board, for the transmission of overall schedules of priorities to the Administrator of the War Shipping Administration." (Secretary's Memorandum 1054, Supplement 2, January 22, 1943.) If this group was unable to agree, the matter was to be referred to the Director of War Mobilization, according to Executive Order 9347, dated May 27, 1943, which authorizes the Director to "unify the activities of Federal agencies and departments engaged in or concerned with production, procurement, disposition, or transportation of military or civilian supplies, materials, and products, and to resolve and determine controversies between such agencies or departments."⁸⁰

It was not intended, in the establishment of this working relationship between the two agencies with regard to the issuance of priority schedules to the Administrator of the War Shipping Administration, that the War Food Administrator should relinquish any of his exclusive authority to determine what foods are to be imported, the amounts thereof, or their relative importance in the war effort and the domestic economy. Lists of priority foods continue to be prepared under the direction of the War Food Administrator. However, prior to the transmission thereof to the Administrator of the War Shipping Administration, the shipping priorities and quota lists of foods, in order to adjust schedules of priorities of all commodities on the basis of their relative importance in the war effort, are integrated with schedules prepared by the War Production Board for the importation of other commodities.

E. Domestic Transportation of Food.

1. Office of Defense Transportation.

Section 6 of Executive Order 9280 [Exhibit A] reads as follows:

"In discharging his responsibility under this Executive Order, the Secretary shall, in the event of a shortage of domestic transportation services, and after consultation with the War Production Board for the purpose of adjusting the relative demands for the movement of food for human and animal consumption and the movement of commodities for other purposes, prepare schedules of priorities for the domestic movement of food, which the Office of Defense Transportation ^{36/} shall take into consideration in determining traffic movements."

^{36/} The Office of Defense Transportation was established by the President to coordinate and regulate the domestic movement of war material. Section

The language of Section 6, quoted above, is clear insofar as it discloses the intention that the War Food Administrator should prepare schedules for transmission to the Office of Defense Transportation. The only question which arises is with regard to the requirement that the Administrator "consult" with the Chairman of the War Production Board prior to the issuance thereof to the Office of Defense Transportation. This would not appear to require specific approval by the Chairman of the schedules proposed by the War Food Administrator. The purpose of the consultation with the War Production Board is, of course, to adjust the relative demands for the movement of food and the movement of commodities serving other purposes. The extent to which either agency will be controlled in its issuance of schedules of priorities to the Office of Defense Transportation for the movement of commodities within their respective jurisdictions by the outcome of such consultation would appear to be strictly a matter of administrative expediency rather than a requirement of law under the Executive Orders.

2. War Production Board General Transportation Order T-1.

The War Production Board has issued General Transportation Order T-1, which establishes a system of "controlled shipments" and sets up a list of material which may not be delivered except as specifically authorized or directed in writing by the War Production Board. Only molasses, Caustic Soda, and Portland cement appear on that list to date. A second list is also provided, and it is required that deliveries of materials shown on this list shall be reported to the War Production Board on a form provided before the 20th day of each calendar month. Some of the commodities appearing thereon, i.e., corn syrup and molasses, are commodities generally within the jurisdiction of the War Food Administration.

By letter of February 2, 1943, addressed to Secretary of Agriculture Wickard, the Chairman of the War Production Board suggested to the Secretary that inter-agency transportation traffic control orders be cleared through the Traffic Requirements and Priorities Committee of the War Production Board. By so doing, a shipper or an entire industry has a central reference on transportation priorities, thereby greatly simplifying their problems. Also, the War Production Board and the War Food Administration can both be sure that they are not neutralizing each others intention by going separate and contradictory ways.

It was informally agreed between representatives of the two agencies that matters concerning the transportation of farm and food products would be referred to the War Food Administration for clearance and for the transmittal of suitable recommendations to the War Production Board.

36/ (continued) 4 of Executive Order 8989 provides that "with respect to transportation priorities and preference, the Office of Defense Transportation shall be governed as to the relative importance of deliveries required for defense by such instructions, certifications, and directives as may be issued by the [War Production Board]. . . . and the Office of Defense Transportation shall take all lawful steps within the scope of its authority to effect such deliveries through appropriate public or private agencies."

F. Requisition of Food and Food Facilities.

Section 8.c of Executive Order 9280 delegates to the War Food Administration the authority to exercise

"The powers under the Act of October 10, 1940 (54 Stat. 1090), as amended by the Act of July 2, 1942 (56 Stat. 467), and the Act of October 16, 1941 (55 Stat. 742), as amended by Title VI of the Second War Powers Act, 1942, heretofore vested in the War Production Board by Executive Order No. 8942 of November 16, 1941, Executive Order No. 9024 of January 16, 1942, and Executive Order 9040 of January 24, 1942, with respect to the requisitioning of food for human or animal consumption."

The Act of October 10, 1940 (Public Law No. 829; 76th Congress, 54 Stat. 1090), as amended by the Act of July 2, 1942 (Public Law No. 643, 56 Stat. 467), authorized the President to requisition property, the exportation of which had been curtailed or prohibited under Section 6 of the Act of July 2, 1940 (Public Law No. 703, 54 Stat. 712), The pertinent provision of the Act, as amended, reads as follows:

"That whenever the President determines that it is necessary in the interest of National defense or prosecution of war to requisition and take over for the use or operation by the United States or in its interest any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been prohibited or curtailed in accordance with the provisions of Section 6 of the Act approved July 2, 1940 (Public, number 703, 76th Congress, 54 Stat. 712), as heretofore or hereafter amended, or any other law, he is hereby authorized and empowered to requisition and take over for the said use or operation by the United States, or in its interest, any of the foregoing articles or materials . . ."

(Underscoring supplied to indicate amendments to Public Law 829 by Public Law 643).

In order to requisition property under the provisions of the above Act, the requisitioning authority must, to comply with the Act, make affirmative finding that: (1) such property is military or naval equipment, or munitions, or component parts thereof, or machinery, tools, or materials or supplies necessary for the manufacture, servicing, or operation thereof, ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been denied in accordance with the provisions of Section 6 of the Act of July 2, 1940; and (2) it is necessary in the interest of National defense or prosecution of the war to requisition the property for the use or operation by the United States or in its interest.

The Act of October 16, 1941 (Public Law 274, 55 Stat. 742), as amended by Title VI of the Second War Powers Act, 1942, (Public Law 507, 77th Congress), and the terms of which were extended until June 30, 1944, by the Act of June 20, 1943 (Public Law 104, 78th Congress), grants a more general power to requisition property "needed for the defense of the United States". The significant provisions of the Act, as amended, are found in Section 1 thereof, which reads as follows:

"That whenever the President, during the national emergency, declared by the President on May 27, 1941, but not later than June 30, 1944, determines that; (1) the use of any military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such equipment, supplies, or munitions is needed for the defense of the United States; (2) such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and (3) all other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted, he is authorized to requisition such property for the defense of the United States upon the payment of fair and just compensation for such property to be determined as hereinafter provided, and to dispose of such property in such manner as he may determine is necessary for the defense of the United States . . ."

In order to requisition property under the Act of October 16, 1941, as amended, the requisitioning authority, to comply with the Act, must make an affirmative finding that:

- (1) Such property is military, or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials, necessary for the manufacture, servicing, or operation of such equipment, supplies or munitions;
- (2) The use of such property is needed for the defense of the United States;
- (3) Such need is immediate and impending and such as will not admit of delay or resort to any other source of supply;
- (4) All other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted.

In order to provide for the effective administration of the requisitioning of property, the President, by Executive Orders Nos. 8942 of November 19, 1941 (6 F.R. 5909); 9024 of January 16, 1942 (7 F.R. 329); 9138 of April 17, 1942 (7 F.R. 2919); and 9316 of March 19, 1943 (8 F.R. 3469) conferred authority upon the Chairman of the War Production Board and the heads of other Departments and agencies, including the

Department of Agriculture, to exercise the powers conferred upon him by the above Acts to requisition property. The Executive Orders provide that the Chairman of the War Production Board shall establish policies to govern the War Production Board and the several other requisitioning authorities in exercising the authorities and performing the functions vested in them with regard to the requisitioning and disposal of property under the Acts and to issue such rules and regulations as may be necessary and proper to carry out the provisions of the Executive Orders relating thereto.

Pursuant thereto, the Chairman of the War Production Board issued "Regulations under the Requisitioning Act" to govern the procedures of the War Production Board and other agencies and departments in exercising the power to requisition property. Section 902.2 of the Regulations as amended June 28, 1943, applicable to action initiated by the head of a department or agency other than the War Production Board, provides as follows:

"(a) . . . The Secretary of Agriculture . . . shall, prior to requisitioning any property pursuant to the power granted by paragraph 4 of Executive Order 8942, as amended by Executive Order 9138, submit to the Chairman of the War Production Board a written statement setting forth in reasonable detail all pertinent facts with respect to the property which he proposes to requisition and the proposed disposal thereof, and certifying that he has made the determinations required under said paragraph 4.

"(b) Upon the submission of any such proposal, the Chairman of the War Production Board shall determine whether such proposal is consistent with his priorities and allocations program and general production and supply plan. . . The determination of the Chairman . . . shall be transmitted in writing to the Requisitioning Authority.

"(c) If the proposed requisitioning is determined to be consistent with the priorities and allocations program and general production and supply plan of the Chairman of the War Production Board, the Requisitioning Authority may requisition the property in accordance with the general provisions determined by the Chairman of War Production Board as applicable to all requisitioning proceedings Section 902.1 hereof . . ."

By reason of the authority delegated to him by the President, the War Food Administrator has at the present time the power to requisition food for human and animal consumption independent of any overall jurisdiction of the Chairman of the War Production Board. The Administrator is still required, however, to obtain the prior approval of the Chairman of the War Production Board for the requisitioning of all other personal property.

The War Food Administrator, on June 10, 1943, issued War Food Regulation 1 (8 F.R. 8046), (now designated War Food Order No. 84) in which is set forth the policies and regulations of the Administration governing the requisitioning and disposal of food for human and animal consumption. Section 1598.3 of these Regulations specifically require that the heads of other agencies which the President may designate shall:

"(a) . . . prior to requisitioning any food pursuant to the power granted by Paragraph 4 of Executive Order 8942, as amended, submit to the War Food Administrator a written statement setting forth in reasonable detail all pertinent facts with respect to the food which he proposes to requisition and the proposed disposal thereof, and certifying that he has made the determinations required under said paragraph 4.

"(b) Upon the submission of any such proposal, the War Food Administrator shall determine whether such proposal is consistent with the war food program . . .

"(c) If the proposed requisitioning is determined to be consistent with the war food program, the Requisitioning Authority may requisition the food in accordance with section 1598.2 (general provisions devised by the War Food Administrator as applicable to all requisitioning proceedings) hereof . . ."

On August 12, 1943, the War Food Administrator delegated to the Director of Distribution:

"authority to requisition property pursuant to the Act of October 10, 1940, as amended, and the Act of October 16, 1941, as amended, and authority to exercise all the powers exercisable by the Requisitioning Authority and the War Food Administrator under War Food Regulation 1 (8 F.R. 8046) and the powers derived from Executive Order 8942, as amended, and vested in me by Executive Order 9334, and by the Regulations under the Requisitioning Act issued by the War Production Board on July 24, 1942 (7 F.R. 5746), as amended, except that the Director of Food Distribution shall not have the power or authority to requisition and dispose of idle farm machinery, such power and authority having heretofore been delegated to the USDA, War Board Chairman on May 28, 1943 (8 F.R. 7120). The Director of Food Distribution is authorized to delegate any and all of the functions, responsibilities, powers, authorities, or discretions hereby conferred upon him to such persons within the War Food Administration as he may designate or appoint" (8 F.R. 11419).

On the same date, the Director of Distribution delegated to Major Ralph W. Olmstead, Deputy Director of Distribution, all of his authority with regard to the requisitioning of food, except that he was not authorized to approve or disapprove proposals of other agencies to requisition food for human and animal consumption, to submit proposals to the

Chairman of the War Production Board for the requisitioning of other personal property, or to make determinations required by the Acts as a prerequisite to the requisitioning of other property. On the 16th of August 1943, Mr. Olmstead delegated to Otie M. Reed, Assistant Deputy Director of Distribution, all of the authority and power vested in him with respect to the requisitioning of food (8 F.R. 11461).

On June 10, 1943, the War Food Administrator, in his memorandum No. 15, provided procedural guides to facilitate the action of any agency within the Administration which requires the requisitioning of food for human or animal consumption or of other personal property. According thereto, any agency of the War Food Administration which finds it necessary to requisition food shall submit to the Requisitioning Officer in writing all pertinent information with respect thereto, and, in the event the Requisitioning Officer approves such proposal, he shall proceed as a Requisitioning Authority, pursuant to section 1598.2 of the Regulations. When the property has been requisitioned, it is to be turned over to the agencies initiating the proposal for requisitioning. Whenever any agency within the War Food Administration requires the requisitioning of property other than food for human or animal consumption, it shall submit in writing all information with regard thereto to the Requisitioning Officer, and, if warranted, after obtaining approval from the War Production Board, the Requisitioning Officer shall proceed with the requisitioning.

Supplement 1, Revised to Administrators memorandum No. 15, dated February 26, 1944, sets out additional procedure to be observed in the event the property proposed to be requisitioned belongs to the Governments of Italy or Bulgaria, the former government of France, or any national of these countries. In that event, the Requisitioning Officer is required to give immediate notice to the Legation of Switzerland.

In order to implement the provisions of Executive Orders Nos. 9280 and 9322, as amended by Executive Orders Nos. 9334 and 9392, and to establish an effective method for the exercise of the requisitioning powers of the War Production Board and the War Food Administration with respect to "food" and non-food commodities, it was agreed between the two agencies, on June 11, 1943, that regulations issued by the War Production Board would be applicable to the requisitioning of non-foods and foods not capable of being eaten or drunk and to the requisitioning of foods which are or may be eaten or drunk but which will be used for industrial purposes. However, before authorizing the requisitioning of commodities over which the War Food Administration is exercising control, the War Production Board consults with the Administration, and with regard to the latter category of food, the prior approval of the Administration is required. In the event an assembled lot of commodities, composed both of food and non-food, is proposed to be requisitioned, War Production Board regulations apply, subject to the prior approval of the Administration relative to the food commodities contained in such lots. A food commodity which will be used both for human and animal consumption and for industrial purposes is to be requisitioned according to regulations issued by the War Food Administration. However, prior to the issuance of authorizations for the

requisitioning thereof, the approval of the War Production Board shall be obtained with respect to the nonfood uses. A copy of the agreement embodying the above provisions is attached hereto as Exhibit W.

G. Mandatory Orders For Food.

Section 8e of Executive Order 9280 delegates to the War Food Administration the authority to exercise "the powers of taking over and operating facilities under section 120 of the National Defense Act of 1916 (39 Stat. 213, 50 U.S.C., 1940 ed., 80) and section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892, 50 U.S.C., 1940 ed.,)." Section 120 of the National Defense Act of 1916 authorizes the President in time of war or when war is imminent, to place orders with any person for the production of any such product or material which may be required by the Government, and requires mandatory compliance with such order. The pertinent provisions of this act read as follows:

"The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

"Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition, or parts of ammunition, or any necessary supplies or equipment for the Army, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War, or who shall refuse to furnish such arms,

ammunitions, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is authorized to take immediate possession of any such plant or plants, and through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding \$50,000."

This statute is limited, in effect, to supplies for the Army.

Section 9 of the Selective Training and Service Act of 1940, as amended, is substantially identical with section 120 of the National Defense Act except that the scope is extended to include the Navy as well as the Army and orders may be placed regardless of the existence or imminence of a state of war. The pertinent provisions of this act read as follows:

"The President is empowered, through the head of the War Department or the Navy Department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

"Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition or parts of ammunition, or any necessary supplies or equipment for the Army or Navy, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War or the Secretary of the Navy, shall be capable of being readily trans-

formed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War or the Secretary of the Navy, or who shall refuse to furnish such arms, ammunition, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War or the Secretary of the Navy, as the case may be, then, and in either such case, the President, through the head of the War or Navy Departments of the Government, in addition to the present authorized methods of purchase or procurement, is hereby authorized to take immediate possession of any such plant or plants, and through the appropriate branch, bureau, or department of the Army or Navy to manufacture therein such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and a fine not exceeding \$50,000."

Under the provisions of these two statutes and Executive Order 9280, mandatory orders for food required by the Army or the Navy may be placed by the Armed Services only after first securing the approval of the War Food Administrator. The authority to place mandatory orders for food cannot be used other than to secure supplies for the Army and the Navy. In the event of non-compliance with any mandatory order so placed; the War Food Administrator may exercise the powers vested in the President by these statutes to take possession of the plant through the heads of the War or Navy Departments and to cause such plants to be operated by the Army or the Navy for the production of the food desired by the Armed Services.

Requests by the Armed Services to exercise the powers under these two statutes are submitted to the War Food Administrator by letter. The response of the War Food Administrator is by letter to the appropriate official of the War or Navy Department. The placement of the order is made directly by the Armed Service concerned.

H. Maximum Prices for Agricultural Commodities and Processed Foods.

Executive Order 9334, as amended by Executive Order 9392, provides that all the powers, functions, and duties of the Secretary of Agriculture under Title IV of Executive Order 9250, dated October 3, 1942, are transferred to and are to be exercised by the War Food Administrator. Title IV of Executive Order 9250 provides as follows:

"Prices of Agricultural Commodities"

"1. The prices of agricultural commodities and of commodities manufactured or processed in whole or substantial part from any agricultural commodity shall be stabilized, so far as practicable, on the basis of levels which existed on September 15, 1942, and in compliance with the Act of October 2, 1942.

"2. In establishing, maintaining, or adjusting maximum prices for agricultural commodities or for commodities processed or manufactured in whole or in substantial part from any agricultural commodity, appropriate deductions shall be made from parity price or comparable price for payments made under the Soil Conservation and Domestic Allotment Act, as amended, parity payments made under the Agricultural Adjustment Act of 1938, as amended, and governmental subsidies.

"3. Subject to the directives on policy of the Director, the price of agricultural commodities shall be established or maintained or adjusted jointly by the Secretary of Agriculture and the Price Administrator; any any disagreement between them shall be resolved by the Director. The price of any commodity manufactured or processed in whole or in substantial part from an agricultural commodity shall be established or maintained or adjusted by the Price Administrator, in the same administrative manner provided for under the Emergency Price Control Act of 1942.

"4. The provisions of sections 3 (a) and 3 (c) of the Emergency Price Control Act of 1942, are hereby suspended to the extent that such provisions are inconsistent with any or all prices established under this Order for agricultural commodities, or commodities manufactured or processed in whole or in substantial part from an agricultural commodity."

The Emergency Price Control Act of 1942, as amended, extended and sanctioned existing powers and functions of the Office of Price Administration to fix prices under Executive Orders. 37 In this Act, Congress authorized and directed the Price Administrator to "establish such price or maximum prices as in his judgment will be generally fair and equitable."

37 The Office of Price Administration and Civilian Supply, established by Executive Order 8734 on April 11, 1941, was renamed Office of Price Administration by Executive Order 8875, dated August 28, 1941. Section 206 of the Emergency Price Control Act of 1942 (56 Stat. 23, Public Law 421) provides "any price schedule establishing a maximum price or maximum prices, issued by the Administrator of the Office of Price Administration and Civilian Supply prior to the date upon which the Administration provided for by Section 201 of this Act takes office, shall upon such date, have the same effect as if issued under Section 2 of this Act until such price schedule is superseded by action taken pursuant to such Section 2.

Subsection (e) of Section 3 of the Act provides that "notwithstanding any other provision of this or any other law, no action shall be taken under this Act by the Administrator or any other person with respect to any agricultural commodity without the prior approval of the [War Food Administrator]" 38/

The requirement in Section 3 of Title IV of Executive Order 9250, that prices on agricultural commodities shall be established "jointly" by the War Food Administrator and the Price Administrator differs in effect from the requirement in subsection (e) of Section 3 of the Emergency Price Control Act of 1942, which requires that the Price Administrator must obtain the approval of the War Food Administrator prior to taking any action under the Act with regard to agricultural commodities. One provides for participation, the other for the exercise of a mere veto power.

A distinction is made in the Price Act and Executive Order 9250 between raw agricultural commodities and commodities manufactured in whole or in part from agricultural commodities, that is, processed foods, insofar as the applicable procedures for the establishment of ceiling prices for the two types of commodities is concerned. It is only in the case of raw agricultural commodities that joint action by or the prior approval of the War Food Administrator with regard to the establishment of maximum prices is expressly required. Insofar as processed foods are concerned, it is apparent from the language of the Price Control Act of 1942, as amended, and from the legislative history thereof, that it was not intended to require the War Food Administrator to approve or to act jointly with the Price Administrator with regard to regulations which establish prices on commodities processed or manufactured in whole or substantial part from agricultural commodities (Op. Sol. 4380, dated August 21, 1942). As to what is an "agricultural commodity" for the purposes of the Price Control Act, see Op. Sol. No. 4434, dated August 22, 1942, and cited court decisions in Office of Price Administration Service 620:264.

In order to insure a close working relationship between the Office of Price Administration and the War Food Administration on all matters concerned with or affecting maximum prices on agricultural commodities, it was agreed, among other things, between the Secretary of Agriculture and the Price Administrator on December 11, 1942, that:

- (1) The Office of Price Administration will secure the signature of the Secretary of Agriculture to all regulations which relate to the establishment of price ceilings on agricultural commodities.

38/ This power of approval, originally vested in the Secretary of Agriculture, was transferred to the War Food Administrator by Executive Orders 9328 and 9334.

- (2) The Department of Agriculture will also notify a designated representative of the Price Administrator of any contemplated agreement order or support prices program which it has reason to believe will require a price ceiling adjustment.
- (3) If any programs referred to above require a subsidy to maintain the existing price ceiling the nature of such subsidy will be agreed upon jointly by the War Food Administrator and the Price Administrator.

Any disagreement between the two agencies arising out of proposed action in this regard is to be referred to the Economic Stabilization Director for final adjustment. A copy of the Memorandum of Understanding between the Department of Agriculture and the Office of Price Administration relative to farm and food prices is appended hereto as Exhibit T.

All dockets and other formal correspondence between the Office of Price Administration or the Office of Economic Stabilization and the War Food Administration relating to proposed maximum price regulations, to changes in existing maximum price regulations, or to price support programs whether such dockets or correspondence originate in the Office of Price Administration or within the War Food Administration, shall, prior to submission to the Administrator for his signature, be channeled through the Office of Price of the War Food Administration. (Administrator's Memorandum No. 27, Supp. 4 [Exhibit II])

The Office of Price has supervision over all functions of the War Food Administration relating to approval of maximum prices to be fixed for agricultural commodities or products, and relating to price support programs in connection with particular commodities. The Director of Price prepares or reviews recommendations covering commodities to be supported and the levels and methods of support (Administrator's Memorandum No. 27, Supp. 4, [Exhibit II]).

I. Farm Labor Supply and Farm Labor Wage Programs

Section 2 of Executive Order 9334, as amended by Executive Order 9392, provides that the War Food Administrator shall exercise all the powers, functions, and duties of the Secretary of Agriculture which relate to agricultural labor and manpower under orders of the Economic Stabilization Director or the Chairman of the War Manpower Commission. Authority for the direction of such programs has been vested by the War Food Administrator in the Office of Labor within the War Food Administration (Administrator's Memorandum No. 2). 39/

Pursuant to his authority under the Act of October 2, 1942, as amended, and in order to safeguard the stabilization of wages and of salaries affecting the cost of living on the basis of levels existing on September 15, 1942,

39/ See Chapter III (A) (5). The Office of Labor

and to prevent increases in wages and salaries, the President, on April 8, 1943, issued Executive Order 9328, which provides, in part, as follows:

"The National War Labor Board, the Commissioner of Internal Revenue, and other agencies exercising authority conferred by Executive Order 9250 or Executive Order 9299 and the regulations issued pursuant thereto over wage or salary increases are directed to authorize no further increases in wage or salaries except such as are clearly necessary to correct substandards of living, provided that nothing herein shall be construed to prevent such agencies from making such wage or salary readjustments as may be deemed appropriate and may not have heretofore been made to compensate, in accordance with the Little Steel Formula as heretofore defined by the National War Labor Board, for the rise in the cost of living between January 1, 1941, and May 1, 1942. Nor shall anything herein be construed to prevent such agencies, subject to the general policies and directives of the Economic Stabilization Director, from authorizing reasonable adjustments of wages and salaries in case of promotions, reclassifications, merit increases, incentive wages or the like, provided that such adjustments do not increase the level or production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices."

Pursuant to authority vested in him by the President, the Economic Stabilization Director promulgated certain regulations designed to provide machinery for controlling wages and salaries of all employees. Those regulations, as amended, provide, in part, insofar as agricultural labor is concerned, as follows:

"The term 'agricultural labor' shall mean persons who are employed in farming in any of its branches, including among other things the cultivation and tilling of the soil, dairying, the production, cultivation, growing and harvesting of agricultural or horticultural commodities, and the raising of livestock, bees, or poultry: Provided, however, that the term 'agricultural labor' shall not include any person whose salary payments, exclusive of bonuses and additional compensation and without regard to the contemplated adjustment, are at a rate, computed on an annual basis, which exceeds \$5,000 per annum. The War Food Administrator, by regulation, may issue such interpretations of the definition in this paragraph as he finds necessary.

"Notwithstanding the provisions of Section 4001.2, 4001.4, 4001.10, and 4001.13, the War Food Administrator shall have the authority to determine whether any salary or wage payments to agricultural labor are made in contravention of the Act or any rules, orders or regulations promulgated thereunder . . . Any such determination by the Administrator shall be conclusive upon all executive departments and agencies of the Government in determining the costs of expenses of an employer for the

purpose of any law or regulations . . . or for the purpose of calculating deductions under the Revenue laws of the United States or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. . .

"Considering that the general level of salaries and wages for agricultural labor is substandard, that a wide disparity now exists between salaries and wages paid labor in agriculture and salaries and wages paid labor in other essential war industries, and that the retention and recruitment of agricultural labor is of prime necessity in supplying the United Nations with needed foods and fibers, no increases in wages and salaries of agricultural labor, notwithstanding any other provision of any rules, orders, or regulations under the Act of October 2, 1942, shall be deemed in violation of the Act or of any rules, orders, or regulations thereunder, except as follows:

(a) After determination by the War Food Administrator of maximum permissible rates of compensation with respect to areas, crops, classes of employers or otherwise, and public notice of such determination, no increases in or payment of salaries or wages for agricultural labor shall be made above the rates specified in the public notice without the approval of the War Food Administrator." In no case, however, shall there be any reduction of wages or salaries for any particular work below the highest wages or salaries paid therefor between January 1, 1942, and September 15, 1942 . . .

(b) No increases shall be made in salary or wage payments to agricultural labor which are \$2,400 per annum or more, or which will raise such salary or wage payments to more than \$2,400 per annum, without the prior approval of the War Food Administrator."

In the exercise of this authority conferred upon him, the War Food Administrator, on January 17, 1944, issued regulations relating to salaries and wages of agricultural labor. The administration of the program for the stabilization of salaries and wages of agricultural labor established by these general regulations was delegated by the Administrator to the Office of Labor of the War Food Administration. These general regulations provide for the regulations of wages and salaries of agricultural labor in the absence of specific wage ceiling regulations. They indicate when and on what conditions wages and salaries subject to the jurisdiction of the War Food Administrator may be increased or decreased.

In addition to the general regulations, the War Food Administrator issued specific wage ceiling regulations on January 20, 1944. Those regulations consist of master provisions applicable to all maximum wage rates issued with respect to areas, crops, classes of employers, or otherwise. Pursuant thereto the Director of Labor has issued 27 wage ceilings establishing maximum wage rates with respect to the wages involved in certain agricultural operations in the States of Arizona, California, Delaware, Florida, Idaho, Oregon and Washington. In addition, the Secretary of Agriculture approved the payment of wages by the employer to agricultural labor employed in the production, cultivation, or harvesting of sugar beets or sugar cane, below the highest wage paid for such work between January 1, 1942 and September 15, 1942, provided such wages are not less than the wages required to be paid for such work in order for the producer to qualify for conditional payments made pursuant to Title III of the Sugar Act of 1937, as amended.

Closely related to the above, is the Administration's program designed to provide an adequate supply of farm workers for the production of food in the United States.

Public Law 45, 78th Congress, approved April 29, 1943, appropriated a sum of \$26,100,000 to remain available until December 31, 1943, to be expended by the War Food Administrator in securing workers for the production and harvesting of agricultural commodities essential to the prosecution of the war. Public Law 229, 78th Congress, approved February 14, 1944, appropriated additional sums for the purposes of Public Law 45 to be available until December 31, 1944. The jurisdiction of the War Food Administrator under Public Laws 45 and Public Law 229, includes the authority to recruit labor from foreign countries, to transport farm labor into the United States, and to provide for the interstate movement of domestic farm workers. The various State Extension Services have undertaken direction over the intra-state movement of laborers and over the placement with employer farmers of all laborers, both foreign and domestic, within the United States.

Pursuant to the Administrator's authority to recruit foreign labor, three inter-national agreements, understandings, approved by the State Department, have been entered into between the War Food Administration and representatives of the Governments of Mexico, Jamaica, and the Bahama Islands, the Barbados Islands and New Foundland for the purpose of making agricultural workers from those countries available for work in the United States for the production of food. Under these understandings, thousands of laborers have been recruited in Mexico, Jamaica, the Bahamas, the Barbados Islands and Newfoundland for farm work in the United States. A Work Agreement is entered into between each individual laborer recruited from a foreign country and the War Food Administrator which guarantees, among other things, that the Administrator will provide for the employment of the particular worker by an "employer farmer" will furnish medical care, transportation, etc. Every farmer employer enters into an Employment Agreement with the Administration in which the employer agrees, among other things to employ the worker for a specified period of time, to pay prevailing wages, to do nothing to discriminate against the worker, etc.

J. V-Loans

In order to finance contractors engaged in any business or operation deemed necessary to the prosecution of the War, the War Department, the Navy Department, and the Maritime Commission were authorized by Executive Order 9112, 7 F. R. 2367, from appropriated funds, to participate in or guarantee loans made to such operators. The Federal Reserve Banks, the Reconstruction Finance Corporation, or other financing institutions are utilized in making or guaranteeing these loans. Executive Order 9336, 8 F.R. 5515, provides that the Office of Lend-Lease Administration (now the Foreign Economic Administration) and the War Shipping Administration may enter into guarantees, agreements to provide funds, or other financing arrangements with the War Department, the Navy Department, and the Maritime Commission in connection with any loans made pursuant to Executive Order 9112 for the benefit or on behalf of the Foreign Economic Administration or the War Shipping Administration.

By special agreement with the War Department and the Foreign Economic Administration, the Office of Distribution reviews applications for V-Loans from food processors and, in proper cases, issues certificates of necessity. The Foreign Economic Administration V-Loan Committee, upon receipt of a copy of the certificate of necessity, decides whether or not to underwrite the loan. Final action is taken by the War Department when it considers the original application, the certificate of necessity prepared by the Office of Distribution, and the recommendation of the Foreign Economic Administration V-Loan Committee.

Within the War Food Administration, responsibility for directing and coordinating V-Loan activities has been assigned to the Special Assistant to the Director of Distribution, in Charge of Plant Facilities, Financing and Food Protection (Director's Memorandum No. 55, Rev. 1, Supp. 1, Oct. 11, 1943).

K. Industry Relationship

It has been the general policy of the War Food Administration to consult with industries through food Industry Advisory Committees in connection with the performance by the Administration of functions delegated to it by Executive Orders Nos. 9280 and 9322, as amended by Executive Orders Nos. 9334 and 9392. By the use of such Committees, the Administration is able to lay its problems before representative groups of business executives, and for industry in return to present its problems to the Administration. The recommendations and advice of these committees are given serious consideration in the formulation and execution of the programs of the Administration.

Rules for the organization and operation of industry committees are prescribed by Memorandum No. 43 of the Director of Food Distribution, dated February 10, 1943. These rules require that committees be representative of the industry involved and that industry representatives be selected on the basis of industry units. Such representatives are to be recommended by the Government chairman, a duly appointed representative from the appropriate branch, approved by the branch chief and invited to serve by

the Chief of the Industry Operations Branch if he determines that specified requirements have been fulfilled. Appointments are made by the Director in the form of a letter originated by the Industry Operations Branch. 41/

Supplement 1 to Director's Memorandum No. 43 provides for the creation of regional industry committees by regional administrators.

Committee meetings may be attended by representatives of governmental agencies whose programs are specifically concerned in the agenda of the meeting, provided such representatives are invited by an industry representative or the Chief of the Industry Operations Branch with the approval of the branch chief concerned.

Although the committees are established by the Food Distribution Administration, they have been designated as War Food Administration Committees to be used by all agencies of the War Food Administration. (See Supp. 1 to Administrator's Memorandum No. 5, June 2, 1943).

Every effort has been made to coordinate the activities of the War Food Administration and the Office of Price Administration in the formation and use of industry committees. Identical membership is used where possible and the time and place for meetings are synchronized. (See agreement between War Food Administration and Office of Price Administration appended hereto as Exhibit R).

The legality of industry committee operations has been cleared with the Department of Justice. The important papers in this connection are a letter of April 29, 1941, from the Attorney General to John Lord O'Brien, a letter of May 8, 1943, from the War Food Administrator to the Attorney General, and an answering letter of May 12, 1943, from the Attorney General to the War Food Administrator. These papers make it clear that the activities of committees in the exercise of their proper functions will not subject the participants to prosecution for violation of the anti-trust laws. It is pointed out, however, that meetings should be in the presence of Government chairmen, and that the only functions of committees are to furnish information, 42/ give advice, and make recommendations. Committees should not seek to exercise powers of decision or enforcement.

In any case where it is proposed by the Administration that an advisory committee undertakes specific action relating to the formulation or execution of any food program, beyond that set out above, the Solicitor is to be notified of such action in order that he may consult with the

41/ This branch can supply information as to the names of committees and their members.

42/ "Task groups" are often used to gather information on specific problems.

Department of Justice with respect to the certification by the War Food Administrator under Section 12 of Public Law 603, 77th Congress ^{43/} for the purpose of giving immunity from the Federal anti-trust acts. ^{44/}

L. Industrial Feeding Program

On October 4, 1943, an agreement regarding an industrial feeding program [Exhibit S] was entered into by the War Food Administration, the War Production Board, the War Manpower Commission, the Office of Price Administration, and the United States Maritime Commission. In order to give representation to these agencies, the agreement provided for the establishment of an Inter-Agency Committee on Food for Workers. Non-signatory agencies also participating in the program are the Federal Works Administration, the War and Navy Departments and the United States Public Health Service. The broad purpose of the program is to provide the food needed by industrial workers to assure the highest efficiency in production. The War Food Administration has responsibility for coordinating the activities of Federal agencies related to the program. Additional specific responsibilities of the War Food Administration enumerated in the agreement, are discharged by the Civilian Food Requirements Branch of the Office of Distribution. (Director's Memorandum No. 59, Supplement 1, February 17, 1944.)

CHAPTER VI

JURISDICTION OF WAR FOOD ADMINISTRATION WITH REGARD TO PARTICULAR COMMODITIES

A. Non-Foods Essential To The War Food Program

1. Provisions of Executive Order 9280 with Regard to Non-Foods Essential to the War Food Program.

It was recognized that in order for the War Food Administrator effectively to discharge his responsibilities under the Executive Orders delegating to him control over the Nation's war food program, it would be essential that he exercise, in some degree, control over non-food materials necessary in the production and distribution of food for human and animal consumption and for industrial purposes. In view thereof, it was provided in Section 2 of Executive Order 9280 [Exhibit A] that:

43/ 56 Stat. 351. 77th Congress. This section grants the power of certification to the chairman of the War Production Board. By Section 8 (f) of Executive Order 9280, the War Food Administrator was authorized to exercise "the powers with respect to anti-trust prosecutions vested in the chairman of the War Production Board by Section 12 of the Act of June 11, 1942, Public Law 603, 77th Congress." To date the Administrator has certified the following:

1. Commodity Credit Corporation agreements with processors of sugar beets which require processors to sell sugar at ceiling prices and to make no concessions (8 F.R. 3331.)
2. Commodity Credit Corporation agreements with West Coast Sugar refiners pursuant to which refiners are required to market their sugar at ceiling prices and to make no concessions (8 F.R. 12422).
3. Allocation agreement for the distribution of fluid milk supplies in certain New England States (8 F.R. 13414).

44/ See War Food Administrator's Memorandum No. 5. May 12, 1943.

"The Secretary shall recommend to the Chairman of the War Production Board the amounts and types of non-food materials, supplies and equipment necessary for carrying out the food program. Following consideration of these recommendations, the Chairman of the War Production Board, shall allocate stated amounts of non-food materials, supplies, and equipment to the Secretary for carrying out the food program; and the War Production Board, through its priority and allocation powers, shall direct the use of such materials, supplies, and equipment for such specific purposes as the Secretary may determine."

In Section 8.b (2) of the Order, as amended, it is stipulated that the Administrator may, subject to other provisions of the Executive Order, exercise the priorities and allocation powers conferred upon the President by Title III of the Second War Powers Act, 1942, with regard to those portions of non-food materials, supplies, and equipment allocated to the Administrator by the Chairman of the War Production Board under Section 2, quoted above, of the Order, and Section 8.b (3), as amended, provides that the Administrator may exercise such powers with regard to:

"any other material or facility, when the Administrator determines that it is necessary, in order to carry out the provisions of this Executive Order, . . . Provided, That in order to avoid overlapping and conflicting action, prior to taking action pursuant to Item 3 hereof, the Administrator shall inform the Chairman of the War Production Board of the action proposed to be taken, and in the event that the Chairman of the War Production Board shall object, the issue shall be determined by the President or such agent or agency as he may designate."

What appear to be conflicting delegations of authority to the War Food Administrator and to the Chairman of the War Production Board to assign priorities and make allocations of non-foods to be used in the food production and distribution program can be reconciled for the most part in the following manner:

A program directing the flow of non-foods into the food program involves three necessary steps. First, raw materials must be allocated between manufacturers of essential parts; second, the essential parts must be allocated between manufacturers of finished equipment; and third, the finished product must be distributed to the retailer, farmer, manufacturer, processor, etc., as the case may be. In the absence of Sections 8.b (2) and 8.b (3) of Executive Order 9280, as amended, (and in the absence of specific delegations of authority from the Chairman of the War Production Board with regard thereto) the War Food Administrator would be without any authority to allocate non-foods at any of the three stages.

In defining the Administration's jurisdiction over "non-foods" in general terms, the Secretary of Agriculture, in Section 4 of his Memorandum No. 1055, dated December 16, 1942, provided:

"The Chairman of the War Production Board will continue to exercise central direction and control over priorities and allocations for non-food materials and for facilities. The Secretary of Agriculture will act as a claimant agency in accordance with the Controlled Materials Plan with respect to non-food materials and facilities necessary to carry out the food program. Upon consideration of the Secretary's statement of requirements for non-food materials and facilities, the Chairman of the War Production Board, through the Program Vice-Chairman, will allocate to the Secretary of Agriculture so much of the required non-food materials and facilities as may be available, having in mind other vital needs. The Secretary of Agriculture will determine the use to which the allocated non-food materials and facilities will be put. The War Production Board will direct the flow of such materials and facilities to manufacturers accordingly."

A similar statement was issued by the Chairman of the War Production Board to his staff.

The Controlled Materials Plan in substance is a device by which the supply of steel, copper, and aluminum is distributed between manufacturers of machinery and equipment and parts thereof. The allocation of the finished product is made independent of the Controlled Materials Plan. In view thereof, paragraph 4 of the Secretary's Memorandum No. 1055, quoted above, is logically construed as an intent to limit the authority of the War Production Board over non-food materials essential to the food program and allocated to the Administrator under Section 2 of Executive Order 9280 to the allocation of the raw materials to manufacturers. 45/

Questions present themselves in the exercise of jurisdictional powers over various materials between the time of the original allocation by the War Production Board for agricultural and food purposes and the completion of the material into the finished product. The Administration has an interest in the processing of these materials so allocated and, under authority of 8 (b) (2) of Executive Order 9280, has exercised authority thereover in various ways. In certain instances such authority has been exercised directly through the issuance of a war food order, as in the case of the regulation of the processing, labeling, and packaging of fertilizer. In other instances, to effectuate the expressed requirements of the War Food Administration, the War Production Board has issued the order, as in the manufacture of synthetic

45/ In the reorganization of the Department of Agriculture, the following arrangements were made in order to promptly administer the critical materials requirements of the Department: The Facilities Branch of the Food Distribution Administration was set up and directed to assemble all data relative to the requirements of the Food Distribution Administration for facilities. On the basis of that information the critical materials requirements of the Food Distribution Administration were ascertained (Director's Memo. No. 2, January 13, 1943; Director's Memo.

vitamins. In determining who shall issue such orders, the matter is resolved on a practical basis rather than on the basis of a single formula made consistently applicable to all cases. Underlying any determination with respect thereto is the desire to curtail the number of agencies issuing orders to any particular firm with respect to the same material processing facility.

2. Jurisdiction over the Production and Distribution of Non-Foods Subsequent to Executive Order 9280

a. War Production Board Functions Affected by Executive Order 9280

It was decided by the Interdepartmental Transfer Committee, as reflected in its report of January 6, 1943, that the following War Production Board units or parts of units having to do with non-foods should be transferred to the Department of Agriculture:

- (1) That part of the Farm Machinery and Equipment Division concerned with the farm machinery program;
- (2) That part of the Food Processing Machinery Section concerned with the food processing machinery program;
- (3) The Machinery Unit of the Textile and Clothing Branch concerned with plans, programs, and requirements for farm and food processing machinery;
- (4) The Containers Section of the General Commodities Division of the Office of Civilian Supply concerned with plans, programs, and requirements for food containers.

45/ Continued -

No. 3, March, 2, 1943). The Production Supplies Program Branch was set up within the Food Production Administration as an agency to determine that Administration's requirements for critical materials to carry out the Food Production Program (Food Production Memo. No. 2, January 22, 1943). The Secretary, in his Memo. No. 1070, announced the establishment of a Critical Materials Committee designed to coordinate all priority applications and allotments in the Department. The Controlled Materials Officer was authorized to submit the total requirements of the Department of Agriculture for controlled materials to the War Production Board. The War Food Administrator in his Memo. No. 4, dated May 10, 1943, announced the establishment of an Office of Materials and Facilities under the direction of Mr. Lee Marshall and the consolidation therein of the Materials Control Branch of the Office for Agricultural War Relations, the Facilities Branch of the Food Distribution Administration, the Production Supplies Program Branch and the Farm Service and Supply Branch of the Food Production Administration, and the Priorities Service Branch of the Commodity Credit Corporation. That office was authorized to direct all materials, facilities, and supply programs of the War Food Administration. Mr. F.B. Northrup is now Director of the Office of Materials and Facilities.

The transfer of these units to the Department of Agriculture was determined by the Assistant Director of the Bureau of the Budget on January 8, 1943.^{46/} At that time there were in effect only two non-food orders administered by these units. These were Preference Rating Orders Nos. P-115 and P-118. The former Order provided for the assignment of preference ratings to deliveries of materials, equipment, accessories, etc. to any person engaged in canning or processing fruits, vegetables, and fish. In Preference Rating Order No. P-118 provision is made for the assignment of preference rating to deliveries of equipment and materials to persons engaged in processing dairy products or eggs. Both Orders have since been reissued by the War Production Board with the War Food Administration designated as the agency with which producers shall make application for preference ratings. The War Food Administrator either accepts or rejects the application, and specific authorization to apply such rating is thereafter issued by the War Production Board upon recommendation of the Administrator. The Office of Materials and Facilities within the War Food Administration processes all applications for priority assistance.

b. War Production Board Functions not Affected by Executive Order 9280.

(1) Allocation of Critical Materials.

There are in effect at the present time several War Production Board orders, the primary object of which is to control and direct the flow of raw materials required in the manufacture of essential non-food machinery and equipment. They are, briefly, as follows:

1. Limitation Order L-30-d, which restricts the manufacture of miscellaneous cooking utensils and other articles containing metal.

2. Limitation Order L-63, which limits inventories which suppliers of dairy supplies, farm supplies, grain elevator supplies, etc., may maintain. The order is designed to conserve the supply of aluminum, copper, iron and steel going into such equipment.

3. Limitation Order L-83, which restricts the production of critical industrial machinery for the purpose of conserving critical material required in the manufacture of such machinery.

^{46/} Those units dealing with the farm machinery program were assigned by the Secretary of Agriculture to the Food Production Administration, whereas those branches dealing with the food processing machinery program were assigned to the Food Distribution Administration; that part of the container section concerned with requirements for farm food containers was also assigned to the Food Production Administration, and that part of the section having to do with containers for non-farm foods was made a part of the Food Distribution Administration (Secretary's Memo. No. 1054, Supplement 1, dated January 16, 1943). Since May 10, 1943, however, the functions of these units have all been under the direction of the Office of Materials and Facilities.

4. Limitation Order L-123, which restricts the production and distribution of general industrial equipment, some of which is used in and necessary to the production of food.

5. Limitation Order L-190, which restricts the manufacture of scales, balances and weights for the purpose of conserving critical materials used in the manufacture thereof.

6. Limitation Order L-211, Schedule III, which restricts the production or fabrication of barbed wire, wire fencing, wire netting and wire flooring, in order to conserve the supply of steel.

7. Limitation Order L-257, which describes the rules governing the manufacture of farm machinery and equipment and repair parts for sale in the United States and its Possessions.

8. Limitation Order L-292, which prohibits the acceptance or delivery of any food processing machinery, excepting certain specified types of equipment, except pursuant to an order bearing a preference rating of AA-3 or higher, or pursuant to orders approved by the War Production Board.

9. Limitation Order L-308, which restricts the manufacture of any domestic food dehydrators for the purpose of conserving the supply of iron, steel and other critical materials used in the production thereof.

The Office of Materials and Facilities obtains from the War Production Board an allocation of the materials and facilities necessary to implement the various food programs. It requests the War Production Board to schedule the production of the various items required by the War Food Administration. The War Food Administration is then responsible for the distribution of the finished equipment from the manufacturers to distributors, dealers and ultimate users.

(2) Priorities for Non-Food Materials

Contracts for the purchase of farm supplies are assigned preference ratings pursuant to priority regulations issued by the War Production Board (priority regulations issued by the War Food Administration do not apply to non-food materials). Priority Regulation 19, issued by the War Production Board, as amended on May 6, 1944, provides the procedure by which farmers acquire designated items of farm supplies from dealers. In order to acquire such supplies a farmer must accompany his order with a certificate to the effect that the supplies covered by the order are needed and will be used for the operation of a farm. The dealer can use the farmer's certificate which he has received to get priority on his own orders for listed farm supplies. If a farmer wants to use a certificate to spend at any one time more than \$25 for any item on the list, he must have a certificate approved in writing by the County Farm Rationing Committee. Simultaneously with the issuance of Priority Regulation 19, the War Production Board issued General Preference Rating

Order M-330 (now revoked) controlling the manufacture and distribution to dealers of the farm supplies for the acquisition of which, under Priority Regulation 19, a farmer must present a certificate of proposed use.

Preference Rating Orders Nos. P-115 and P-118, providing for the assignment of priorities to deliveries of materials and equipment to persons engaged in processing fruits, vegetables, fish, dairy products, and eggs, are issued by the War Production Board but applications for priorities thereunder are filed with the War Food Administration and are processed by the Office of Materials and Facilities.

On January 26, 1943, February 14, 1943, and March 6, 1943, the Secretary of Agriculture delegated authority to the Food Distribution Administration, Food Production Administration, and the Commodity Credit Corporation, respectively, to approve applications for priority assistance and to recommend priority rating to be assigned by the War Production Board to contracts for the purchase of non-food materials which are to be used in connection with their programs. On May 10, 1943, the War Food Administrator designated Mr. Lee Marshall as Deputy Administrator to be responsible for all materials, supplies, machinery and equipment programs of the War Food Administration. All delegations of authority with respect to the review of applications for priority assistance theretofore made by the Secretary of Agriculture to the Director of Food Distribution, the Director of Food Production, and the President of the Commodity Credit Corporation were expressly revoked by the Administrator and redelegated to Mr. Marshall. Mr. F. B. Northrup, Director of the Office of Materials and Facilities, now exercises that authority.

By Directive 26 of the War Production Board, dated June 12, 1943, as amended June 23, 1944, the War Food Administrator was authorized to assign preference ratings to farmers to enable them to get lumber for essential agricultural needs, and to retail lumber dealers to create inventories from which farmers can purchase for such needs. On June 21, 1943, the War Food Administrator delegated to the Office of Materials and Facilities of the War Food Administration, and to State and County U.S.D.A. War Boards, the authority vested in him by the War Production Board Directive 26, to assign preference ratings to farmers for lumber. This authority has now been delegated to the AAA Committees under the direction of the Office of Materials and Facilities.

On August 7, 1943, Mr. C. E. Wilson, Executive Vice Chairman of the War Production Board, authorized the War Food Administrator to assign preference ratings to farmers and to persons operating farm equipment on farms for hire, to enable them to procure engines for essential agricultural needs (War Production Board Directive 28). The term "engine" as used in Directive 28, means "any internal combustion air-cooled or liquid-cooled gasoline or kerosene-driven engine, rated at not more than 20 H.P." The term does not cover engines above 20 H.P., nor diesel engines. On August 23, 1943, the War Food Administrator delegated to the Office of Materials and Facilities, and to State and County U.S.D.A. War Boards, and to County Farm Rationing Committees, his authority under Directive 28, to assign preference ratings to farmers for internal combustion engines. The County Farm Rationing Committees have issued these preference ratings.

c. Rationing of Farm Machinery and Equipment

The rationing of the major items of farm machinery and equipment to farmers has been controlled through War Food Order No. 14 and orders supplementary thereto. Prior to Executive Order 9280, the War Production Board, by Directive 1-K, dated September 12, 1942, and Directive 1-P, dated October 30, 1942, authorized the Office of Price Administration to ration farm machinery and equipment, fluid milk shipping containers and covers, and farm fencing. The Office of Price Administration, by Administrative Orders Nos. 28 and 30, dated September 15 and November 11, 1942, respectively, delegated to the Secretary of Agriculture its authority under the War Production Board Directives to exercise rationing control with regard to the commodities named. The Secretary of Agriculture, on September 16, October 28, and November 21, 1942, respectively, in Temporary Rationing Orders A, B, and C, delegated the rationing powers conferred upon him by the Office of Price Administration to the Special War Board Assistant within the Department of Agriculture. The Office of Special War Board Assistant was abolished and these functions transferred to the Director of Food Production on January 20, 1943 (Secretary's Memo. No. 1065). On that date, Temporary Rationing Orders A, B, and C were redesignated as Food Production Orders Nos. 1, 2, and 3. Those orders were superseded by War Food Order No. 14 and Supplements 1, 2, 3, 4, 5, 6 and 7 thereto. War Food Order No. 14 and the supplements provide the procedure by which farm machinery, metal milk cans and covers, pressure cookers, farm scales, water well casing and refrigeration systems for immersion and tubular type farm milk coolers are distributed from manufacturers to retail outlets and to farmers in the continental United States and its territories and possessions. Supplementary Order No. 3 which related to the distribution of metal milk cans and covers was superseded on July 1, 1944, by War Food Order No. 104. The authority for the administration of these orders is vested in the Chief, Farm Machinery and Supplies Branch, Office of Materials and Facilities, who is assisted by the United States Department of Agriculture, State and County Agricultural Conservation Committees and County Farm Rationing Committees (see Administrator's Memorandum No. 31, revised, dated November 26, 1943).

d. Production and Distribution of Containers for Foods

No portion of the Containers Division of the War Production Board was transferred originally, nor have any transfers therefrom since been made. There are in effect at the present several Orders administered by that Division which are relevant to the food program. Those orders are:

(1) Conservation Order M-81, which limits the manufacture, sale, delivery, and use of containers made of tinplate, terneplate, blackplate or waste. The order specifies the products which may be canned or packed, the size of the can, and the kind of plate to be used for the manufacture of the cans.

(2) Conservation Order M-200, which provides specifications for the manufacture of fluid milk shipping containers and covers, and limits the amount of iron and steel which may be used in the manufacture of these articles.

(3) Conservation Order M-221, which restricts the manufacture, sale, export, and re-use of all hand or machine sewed bags, made of cotton, burlap, or cotton textile fabrics.

(4) Conservation Order M-251, which restricts the use of any iron, steel or other metal, wire or band reinforcements or closures on shipping containers.

(5) Limitation Orders L-103, L-103-a, and L-103-b, which establish standardized designs for the manufacture of glass containers and closures and which restrict inventories of commercial users of glass containers.

(6) Limitation Order L-197, which restricts the use of any cylindrical container with a capacity of 110 gallons or less, constructed wholly of steel, for packing any product which has not been packed in comparable containers prior to September 14, 1942.

(7) Limitation Orders L-232, and L-232-a, which regulate the manufacture of wooden shipping containers designed for use in packing fresh fruits and vegetables for sale or shipment.

(8) Limitation Order L-239, which restricts the use of metal and wood pulp in the manufacture of folding and set-up boxes, and the use of pulp liners in boxes, except for packaging wet or oily foods, or as is otherwise determined by the War Production Board.

(9) Limitation Order L-261, which restricts the manufacture of grocery and variety bags and the inventories of those bags which dealers or users may maintain.

(10) Limitation Order L-279, which requires that manufacturers shall not manufacture any paper shipping sack designed for packaging certain listed commodities, including beans, potatoes, rice, flour, sugar, and other food commodities, except in sizes specified in the Order to be used for particular commodities.

(11) Limitation Order L-317, which prohibits the manufacture and restricts the use of any fiber shipping containers.

(12) Preference Rating Order P-140, which provides for the issuance of Preference Ratings to deliveries of shipping containers or parts thereof for specified uses, some of which are for the packing of agricultural commodities.

Policies relative to the manufacture, sale, and use of containers for foods are so clearly interrelated with policies governing the distribution of the food commodity itself that it appeared difficult, if not impossible, for purposes of practical administration of the food program, to formulate policies with regard to the two programs independently of each other. Consequently, it was agreed between officers of the War Production Board and the War Food Administration that a representative of the War Food Administration would be designated to serve as Administrator of that portion of Conservation Order M-81

which relates to food containers. Any appeals from these restrictions will be referred to the Administrator who will have full authority to grant relief within the limits of available materials. Second appeals will be referred to the War Food Administration. Subsequent appeals are to be handled by the Appeals Board of the War Production Board. The War Food Administration is to initiate and prepare amendments or supplements to the Order insofar as containers for foods are concerned, after consultation with a representative of the Containers Division of the War Production Board. Such amendments or supplements, however, will be issued by the War Production Board, which is also charged with the responsibility of enforcing the Order and its supplements or amendments. Also an agricultural consultant is to be appointed by the War Food Administrator, to serve in connection with the administration of all other Orders by the Containers Division insofar as such Orders deal with containers for food. The Containers Division will initiate and prepare any new Orders and all supplements or amendments to existing Orders. There is appended hereto as Exhibit J a copy of the agreement between the War Production Board and the Administration of Food Production and Distribution concerning the issuance and administration of Orders dealing with containers for food.

B. Insecticides

By Directive 15, as amended May 8, 1943, the Chairman of the War Production Board delegated to the War Food Administrator authority to regulate or prohibit the use in agriculture of the quantities of pyrethrum and rotenone insecticides allocated from time to time to the Administration by the War Production Board, and the sale or other disposition of such insecticides to or the acquisition thereof by any ultimate consumer for use in agriculture. It was stated therein that the Directive did not authorize the War Food Administrator:

- (1) To determine governmental requirements for pyrethrum or rotenone or for pyrethrum or rotenone insecticides;
- (2) To regulate or prohibit the manufacture or importation of pyrethrum or pyrethrum insecticides or of rotenone or rotenone insecticides;
- (3) To regulate or prohibit the use, sale or other disposition of pyrethrum or rotenone;
- (4) To regulate or prohibit any non-agricultural use of pyrethrum or rotenone insecticides;
- (5) To control the delivery of pyrethrum or pyrethrum insecticides and of rotenone or rotenone insecticides to or for the account of specified governmental agencies.

The War Food Administration has never recognized Directive 15 as conferring or limiting the authority of the Administrator to control the use and distribution of pyrethrum and rotenone insecticides allocated for the food program. In the view of the War Food Administration, this authority is derived from Executive Order 9280, as amended. In addition, the War Food Administration took the position that its authority extended to the control over the processing, packaging and labeling of these insecticides for agricultural use. This latter matter, however, was resolved by an informal agreement with the War Production Board as evidenced by the Acting Solicitor's letter of September 3, 1943 to the Bureau of the Budget [Exhibit EE]

The War Food Administrator, on April 30, 1943, and on June 26, 1943, issued Food Production Orders Nos. 11 and 13 (now designated War Food Orders Nos. 46 and 49, respectively). These Orders prescribe the manner in which farmers and others may obtain pyrethrum and rotenone insecticides and also to what particular agricultural use the insecticides may be applied.

Under War Food Order No. 46, as amended February 28, 1944, anyone who wishes to obtain pyrethrum for agricultural use--whether he be an ultimate user (farmer) or a manufacturer desiring to make insecticides suitable for agricultural use--must obtain the approval of the Director of the Office of Materials and Facilities both as to the quantity of pyrethrum involved and the particular agricultural use to which it is to be put. The very small quantity of pyrethrum available for civilian use makes it impractical to set up a list of approved uses in advance.

Pursuant to War Food Order No. 49, as revised November 22, 1943, the delivery of quantities of rotenone insecticide is restricted to those persons who certify that the quantity delivered and accepted will be used for approved purposes listed in the order. Authority for the administration of War Food Order No. 49 was originally delegated to the Director of the Office of Materials and Facilities. On November 22, 1943, the Acting Director of that Office delegated to the Chief of the Chemicals and Fertilizer Division of the Office of Materials and Facilities the authority previously vested in the Director with regard to the Administration of the provisions of the Order.

The sale or other disposition of pyrethrum and rotenone by any person who is not regularly engaged in the business of selling those materials is regulated by War Production Board Priority Regulation 13, as amended. According to that regulation, pyrethrum and rotenone can be sold by such person only (1) to Commodity Credit Corporation, the Defense Supplies Corporation, Metals Reserve Company, or Rubber Reserve Company, (2) with permission of the War Production Board to make the particular sale; (3) if the holder has a total of less than \$100 worth of the materials; and (4) to classes of buyers specifically named by the War Production Board as persons eligible to buy the materials (See list A, PR-13).

No person engaged in the importation or sale of pyrethrum flowers, or in the processing thereof, can make deliveries thereof to any person except as specifically authorized or directed in writing by the War Production Board, in accordance with Allocation Order M-179, as amended. Also, under the terms of the Order, persons wishing to obtain pyrethrum from any producer for any calendar month, shall, on or before the 10th day of the preceding month, file a statement with the War Production Board with respect to the intended use thereof. The use of pyrethrum insecticide in agriculture and the distribution thereof to agricultural consumers are not the subject of this Order, inasmuch as they are regulated by War Food Order No. 46.

C. Fertilizers

Originally, only that part of the Fertilizers Unit of the Inorganics Section of the Chemical Division of the War Production Board, concerned primarily with the administration of Order M-231, was transferred to the War Food Administration (See Chapter II). ^{47/} An additional transfer of personnel from the Fertilizers Unit was thereafter made (see letter from Mr. Coy to Mr. Marshall dated February 27, 1943).

The responsibilities of the War Food Administration and the War Production Board for the production and distribution of fertilizers are as follows:

(1) The War Food Administration has the responsibility for determining material requirements for fertilizers and acts as claimant for such materials before the War Production Board;

(2) The War Food Administration has the responsibility for determining the "mix" to be produced.

(3) The War Food Administration has the responsibility for advising the War Production Board of the geographic areas where the various types of fertilizers are required.

^{47/} The Secretary by his Memorandum No. 1054, Supp. 1, dated January 16, 1943, assigned the War Production Board unit administering Order M-231 to the Food Production Administration, now Office of Production. The Order was reissued by the Secretary of Agriculture on January 18, 1943, as Food Production Order No. 5 (now designated War Food Order No. 5), and responsibility for the administration of that Order was delegated to the Director of Food Production. Later, however, responsibility for the administration of the Order was redelegated to the Director of the Office of Materials and Facilities. All fertilizer programs are presently the responsibility of the Chemicals and Fertilizers Branch of the Office of Materials and Facilities. Under the terms of Order M-231, as reissued by the War Food Administration as War Food Order No. 5, manufacturers are restricted in the production and sale of specified grades of chemical fertilizer.

(4) The War Production Board has the responsibility for the production of fertilizers according to the various types of "mix", as well as the responsibility for distributing these various types to the required areas, and

(5) The War Food Administration has the responsibility for the distribution of fertilizers to the ultimate consumer (see Memorandum dated October 20, 1943, from Mr. Templeton, Bureau of the Budget, to Mr. Cooper, Office of the Solicitor, Department of Agriculture Exhibit GG). This memorandum was cleared and approved by the Fertilizer Materials Unit of the War Production Board.)

Within the ambit of its authority as defined above, the War Food Administration has issued the following Food Production Orders dealing with fertilizers:

(1) War Food Order No. 5 (formerly Food Production Order 5). This order limits fertilizer manufacturers to the manufacture of certain approved grades of mixed fertilizer and provides for the sale and delivery of unmixed straight materials for home mixing. In addition, it limits the quantity of fertilizer which a farmer may purchase in accordance with rates of application per acre established under the order.

(2) War Food Order No. 41, formerly Food Production Order 10. This Order was issued for the purpose of providing a means to encourage the use of available chemical fertilizers on food crops (as distinguished from sugar and tobacco) so as to obtain the greatest practical amount of food production in Puerto Rico. To this end the Farm Rationing Committee for Puerto Rico was authorized and directed to require fertilizer manufacturers to set aside from existing stocks such quantities of fertilizer materials as the Board determines should be made available for use on food crops. Also, the Farm Rationing Committee was authorized to prescribe formulae for the mixing of chemical fertilizers suitable for use on food crops and sugar-cane, taking into account the supply of fertilizer materials available in Puerto Rico. Under the Order no fertilizer manufacturer, dealer, agent, or other person is permitted to deliver any chemical fertilizer of a formula not prescribed by the War Board. The delivery and acceptance of chemical fertilizers is prohibited, except on the basis of a purchase permit or a ration card.

(3) War Food Order No. 105. This Order controls the amount of oil seed meal which can be used in the manufacture of fertilizer.

Authority for the administration of the above three War Food Orders has been vested in the Office of Materials and Facilities of the War Food Administration. That authority has been redelegated by the Acting Director of the Office of Materials and Facilities to the Chief of the Chemicals and Fertilizers Branch of the Office of Materials and Facilities.

D. Cotton, Wool, Hemp, and Flax

The term "food", as defined by Executive Order 9280, includes cotton, wool, hemp, and flax. The transfer of the Raw Cotton, Wool and Cordage Fibers Sections of the Textile, Clothing, and Leather Division of the War Production Board to the Department of Agriculture was withheld originally pending further technical advice. Upon subsequent recommendation of the Interdepartmental Transfer Committee with regard to the proper division between the two agencies of responsibility for the production and distribution of fibers, the Director of the Bureau of the Budget, in a letter dated February 15, 1943, addressed to Secretary Wickard, provided:

"It is, therefore, evident that, as in the case of other food, the Secretary of Agriculture has full responsibility for ascertaining the requirement for cotton, wool, hemp, and flax to meet the direct and indirect military, other governmental, and civilian needs. He is further charged with formulating and carrying out a program designed to furnish a supply adequate to meet such requirements. Such a program must, of necessity, include the determination of the amounts of each commodity to be produced domestically, the amounts to be imported, and the amounts to be stockpiled to meet contingencies. . . . In view of the department's basic responsibility for the total program, such directives (for the importation of food heretofore issued to the Office of Economic Warfare by the Chairman of the War Production Board), would normally originate in the Department. . . . The handling of stockpiles and allocations to other than domestic civilian uses should be among the first problems to be resolved by specific agreement between the two agencies. . . ." (Exhibit X).

In order to implement the provisions of Executive Order 9280 and the determinations thereunder by the Director of the Bureau of the Budget with regard to cotton, wool, hemp, and flax, the Department of Agriculture and the War Production Board, on February 16, 1943, agreed that the Department would have control over cotton through the delinting operation. Also, the Department would regulate the production of wool up to but not including the scouring and combing operations. Flax and hemp will be the responsibility of the Department up to and including the decorticating operation. The War Food Administration is the claimant agency for any critical materials required throughout any of the operations it is to control and for warehousing facilities for the storage of any of the fibers. Under the terms of the agreement, the War Production Board has full responsibility for and control over the allocation of these commodities to industrial users as well as control over the uses to which the fibers may be put. There is attached hereto as Exhibit I, a copy of the agreement between the War Production Board and the Department of Agriculture concerning cotton, wool, hemp, and flax.

The agreement between the War Production Board and the Department of Agriculture concerning cotton, wool, hemp, and flax, was amended on June 21, 1943, and it was therein agreed that "the War Production Board shall continue to initiate programs and to supervise the quantities and qualities, and the allocation and distribution of that part of the linter production to be used for 'chemical cotton pulp', and in exercising such supervision will consult with the Department of Agriculture." The War Production Board by Directive No. 7 had authorized the Commodity Credit Corporation to allocate "linters" derived from vegetable oil seeds, subject to the over-all direction of the War Production Board.. The authority of the Corporation thereunder was not impaired by the Executive Orders or the agreements between the Department of Agriculture and the War Production Board. General Preference Order M-12 requires producers of cotton linters to deliver to the Commodity Credit Corporation that portion of their production of cotton linters manufactured after July 31, 1943, which the War Production Board may direct them in writing to deliver to the Corporation. General Preference Order M-157 restricts the delivery and acceptance of chemical cotton pulp except pursuant to specific authorization by the War Production Board. Both orders are administered by the Cellulose Unit of the Chemical Division of the War Production Board.

The War Production Board has a "Stockpiling and Imports Policy Advisory Committee" which handles policy matters with reference to cotton and wool requirements. The War Food Administration is represented on this committee.

The production of hemp fiber is clearly a War Food Administration problem under the terms of the Executive Order and the agreement between the War Production Board and the Department of Agriculture. With regard thereto, the Secretary of Agriculture, on January 22, 1943, by Memorandum No. 1054, Supplement 2, authorized the Commodity Credit Corporation to formulate and administer programs relating to "the purchase, processing, storage, and transportation of hemp, including the formulation and transmission to the War Production Board through the appropriate agencies and officers of the Department, of recommendations for priorities and allocations with respect to the first processing of hemp." Pursuant thereto, the Commodity Credit Corporation has undertaken direction of an extensive hemp production program. WPB Order M-82 allocates the entire supply of hemp seed to the growing of hemp fiber or for the production of additional hemp seed. The sale and delivery of hemp seed is not permitted except upon orders placed by the Commodity Credit Corporation and upon such other orders as may be specifically approved by the Director General of Operations. All Commodity Credit Corporation orders for hemp seed are assigned an A-10 preference rating, and the Commodity Credit Corporation can apply the rating by endorsing on the order a certificate to the effect that the Corporation is entitled to apply the preference rating indicated.

Conservation Order M-236 requires an authorization by the War Production Board for the importation into this country of any "long stapled raw cotton". The responsibility of the War Food Administration to ascertain cotton requirements upon which to plan a domestic production

program should be coordinated with policies concerning importations of cotton. It is obvious that the extent to which imported cotton may be available to supplement domestic cotton is important to the Administration's production planning. Furthermore, the Department of Agriculture for many years has been making requirement determinations on the basis of staple and grade. The same considerations are significant in estimating import requirements. It is understood, however, that only a negligible amount of cotton comparable to the imported long staple cotton is produced in this country. If this is the case, there would not appear to be the same compelling reasons for the administration of Order M-236 by the War Food Administration as would otherwise exist.

Within the ambit of its jurisdiction to direct the flow of fibers to industrial users, the War Production Board continues to administer the provisions of Conservation Order M-73, as amended, which restricts the quantity of wool which manufacturers may use in the manufacture of fabrics to be used for specified purposes. With regard thereto, the Office of Distribution has issued Food Distribution Order 50 and Supplements thereto (now designated War Food Order No. 50). These Orders restrict the sale of domestic wool, all of which is required by the Orders to be sold to the Commodity Credit Corporation. The Corporation has undertaken to dispose of the wool to manufacturers at ceiling prices. The Order does not appear to invade the jurisdiction of War Production Board to allocate the supply of wool to industrial uses.

War Production Board Conservation Order M-284 provides that no person shall put into process any flax except for the manufacture, by himself or others, of single or plied yarn or roving. The Order was issued for the purpose of conserving the supply of flax fiber so that it will be available for necessary industrial purposes.

E. Vegetable and Animal Fats and Oils.

The War Production Board, pursuant to its general over-all authority to direct the production and distribution of war material, issued, prior to December 5, 1942, 13 Orders directly designed to conserve the supply and restrict the use, processing, and delivery of vegetable and animal fats and oils. These Orders were:

1. General Preference Order M-40:

No person shall use, process, deliver or accept delivery of sperm oil except as specifically authorized by the Director General for Operations upon application of the user. Sperm oil is used as a machine tool cutting fluid, as a petroleum additive, and in the production of textile, leathers, dyes and synthetic rubber. Production has declined with the curtailment of world whaling activities while the demand has increased as industrial production has expanded.

2. General Preference Order M-57:

No person shall use, process or consume more than 35 pounds of Tung oil per month, other than to press or refine, except as specifically authorized by the Director General of Operations. Tung oil is used in protective coatings for use in military and naval equipment, electrical insulation, and for food container linings.

3. General Preference Order M-58:

No producer, refiner or distributor shall deliver or use glycerine except as authorized by the Director General of Operations. Glycerine, needed for explosives and other war material, can no longer be used in any anti-freeze product.

4. General Preference Order M-59:

No person shall use or consume Palm oil except in the manufacture of tin plate, terne plate, steel sheets, and black plate and in processes yielding required percentages of glycerine.

5. General Preference Order M-60 and Order M-60a:

The use or consumption by any person of Coconut oil, Babassu oil, Palm Kernel oil and other high Lauric Acid oils in specified manners is prohibited, and certain amounts of those oils are required to be set aside. These oils are used in the production of explosives, in synthetic rubber production, and for other military uses.

6. General Preference Rating Order M-66:

No person shall deliver, use or accept delivery of cashew nut shell oils except as specifically authorized or to fill orders bearing a War Production Board preference rating of A-2 or better.

7. General Preference Rating Order M-71:

The delivery and the use of all raw, crude, refined and pressed fats and oils whether vegetable, animal or fish is restricted with regard to specified products.

8. General Preference Rating Order M-77:

Up to and including October 31, 1942, no person shall use, process or consume rapeseed oil except as directed by the Director General of Operations.

9. Conservation Order M-193:
With certain exceptions no person shall saponify or hydrolyze any raw, crude or refined fats and fatty oils and greases in any process in which glycerine is produced, unless the amount of glycerine remaining in the product is less than 1 percent, etc.
10. General Preference Rating Order M-235:
With certain exceptions, no person shall use, consume, or process castor oil except as specifically authorized by the Director General of Operations.
11. General Preference Rating Order M-238:
Subject to certain reservations, no person shall use, process or consume oilseed oil except as authorized by the Director General of Operations.
12. General Preference Rating Order M-188:
No distributor or producer of petroleum sulfonates shall deliver, use or refine petroleum sulfonates except as specifically authorized by the War Production Board.
13. General Preference Rating Order M-258:
No producer or distributor shall use or deliver mineral oil polymers except as specifically authorized by the War Production Board.

These Orders were administered by the Fats and Oils Section of Chemicals Division of the War Production Board.

Due to the fact that most fats and oils are subject to be used both for industrial and for edible uses, it was agreed between the War Production Board and the Department of Agriculture that the War Production Board unit administering the fats and oils program should be transferred in its entirety to the Department of Agriculture. Accordingly, on January 8, 1943, the Assistant Director of the Bureau of the Budget approved its transfer.

In order to implement the terms of Executive Order 9280 and the transfer made by the Assistant Director of the Bureau of the Budget, representatives of the War Production Board and the Department of Agriculture agreed on February 5, 1943, that all the Orders administered by the Fats and Oils Section, with the exception of General Preference Orders M-188 and M-258, should be re-issued over the signature of the Secretary of Agriculture. ^{48/} It was further agreed that periodic meetings would be held by officers of the Department of Agriculture with representatives from the War Production Board and other interested claimant agencies present for the purpose of allocating specific quantities of the available supply of all fats and oils to edible purposes on the one hand and to industrial purposes on the other. Allocations within industrial and edible uses of portions allocated to those uses are also to

^{48/} War Production Board Orders M-238, M-235, M-193, M-58, M-77, M-66, M-40, M-59, M-71, M-60, and M-60a, have since been re-issued by the Secretary or the War Food Administrator as War Food Orders Nos. 31 through 39 and Orders Nos. 42, 43 and 46 respectively.

be made at that time. Pursuant to the Agreement, all new fats and oils Orders, whether relating to edible or inedible uses, are to be issued over the signature of the Secretary of Agriculture or, since Executive Orders 9322, and 9334, the War Food Administrator. However, with regard to those orders regulating the flow of fats and oils to industrial uses, it is required that prior to their submission for the Administrator's signature, the War Food Administration shall obtain the concurrence of the War Production Board. ^{49/} There is appended hereto as Exhibit "G" a copy of the Agreement between the War Production Board and the Department of Agriculture with regard to the allocation of fats and oils.

In order to analyze in detail the manner in which the fats and oils program has been directed since Executive Order 9280, it is necessary, in the first instance, to refer briefly to War Production Board Directive No. 7, dated August 15, 1942, delegating authority to the Commodity Credit Corporation to make allocations of vegetable oil seeds and oil seed products. The Directive defines "vegetable oil seeds" as including cotton seed, flax seed, peanuts and soybeans, and "oil seed products" as crude oil, oil meal, and linters derived from vegetable oil seeds. The War Production Board expressly reserved over-all authority, and the Commodity Credit Corporation was bound by any past or future Orders of the Board in any way regulating the distribution of these commodities. Pursuant to its authority under War Production Board Directive No. 7, the Commodity Credit Corporation issued 7 oil seed Orders, which are as follows:

1. CCC Oil Seed Order No. 1, September 9, 1942, and amended December 12, 1942: Excess Peanuts: No person shall sell or deliver excess peanuts of the 1942 crop for any purpose other than for crushing. This order will become ineffective when all 1942 excess peanuts have been disposed of.
2. CCC Oil Seed Order No. 2, September 30, 1942: The use of repurchased cottonseed oil, peanut oil and soybean oil from Commodity Credit Corporation is restricted to the manufacture of edible products. (Revoked by Food Distribution Order 29 (now War Food Order No. 29), Amendment 2.)
3. CCC Oil Seed Order No. 3, October 17, 1942: Persons producing soybean meal and oil are restricted to designated areas within which they may purchase soybeans. (Superseded by CCC Order 3 issued by Secretary of Agriculture pursuant to Executive Order 9280.)

^{49/} Section 4 of Executive Order 9024 provides that the Chairman of the War Production Board may exercise his authority over the products and distribution of war material through such agency or agencies as he may determine. The agreement of May 5, 1943, relative to the allocation of fats and oils, between the War Production Board and the Department of Agriculture, may be regarded as an exercise of that prerogative and as a basis for any authority of the Administration to make allocations of fats and oils to industrial uses.

4. CCC Oil Seed Order No. 4, revised on January 2, 1943: No soybean oilmeal produced in processing plants outside designated areas shall be sold for shipment into such area after January 31, 1943. (Revoked May 29, 1943.)
5. CCC Oil Seed Order No. 5, December 9, 1942: No soybean oil meal shall be sold or delivered for shipment into areas designated except soybean oilmeal produced in processing plants located within such areas. (Revoked May 29, 1943.)
6. CCC Oil Seed Order 5, as amended January 2, 1943: The inventory which any person may maintain of cottonseed oilmeal or cake, soybean oil meal or cake, peanut oil meal or cake, and linseed oil meal or cake is limited to designated quantities. Effective until February 28, 1943. (Superseded by Food Distribution Order No. 9, now designated War Food Order No. 9.)
7. CCC Oil Seed Order 7, December 31, 1942: The purchase, sale and delivery of oilseed products for manufacture into Mixed Fertilizer for sale is restricted. (Superseded by Food Production Order No. 8.)

Executive Order 9280 and the Agreement of February 5, 1943 between the War Production Board and the Department of Agriculture supersedes Directive No. 7 insofar as it reserves any over-all authority in the Chairman of the War Production Board to regulate the flow of the commodities involved. Except that the concurrence of the War Production Board is required in the issuance of new Orders allocating fats and oils to industrial purposes, the authority of the War Food Administrator with respect to the production and distribution thereof to all uses is plenary. However, under section 14 of Executive Order 9280, the Orders issued by the Commodity Credit Corporation pursuant to Directive No. 7 remained in full force and effect until actually "withdrawn or superseded by or under the direction" of the War Food Administrator.

After Executive Order 9280 and the transfer of the Fats and Oils Section of the War Production Board to the Department of Agriculture, the Secretary delegated his authority over the fats and oils program in the following manner: The Fats and Oils Section transferred from the War Production Board was assigned to the Food Distribution Administration (now "Office of Distribution") (Secretary's Memorandum No. 1054. Supp. 1). The Director of Distribution established within his organization a Fats and Oils Branch and provided that these commodities "will be the responsibility of the Food Distribution Administration (Office of Distribution) from the time they leave the production stage until they are allocated between food and non-food uses. Thereafter, that part of the commodity going into food will continue with the Food Distribution Administration (Office of Distribution), the non-food allotment going to such other agency as may have responsibility therefor" (Director's Memorandum No. 2). 50/

50/ Any authority of Commodity Credit Corporation under War Production Board Directive No. 7 to make allocations of crude or refined cotton seed, soybean, peanut, or flax seed oil to edible purposes was thereby withdrawn in favor of the Food Distribution Administration.

By the Secretary's Memorandum No. 1054, Supp. 2, dated January 22, 1943, Commodity Credit Corporation's authority in the fats and oils program was spelled out to include direction of all programs "relating to the purchase, storage, transportation, and crushing of vegetable oil bearing materials". This extends the scope of Commodity Credit Corporation's authority under War Production Board Directive No. 7 to make allocations of cotton seed, soybean, flax seed, and peanuts to include control over the movement of all oil bearing seeds. Pursuant to its authority stemming from Executive Order 9280, the Commodity Credit Corporation has issued the following Orders:

1. CCC Order No. 3, February 17, 1943, (now War Food Order No. 23) which limits the quantity of soybeans of the 1942 crop which processors, manufacturers, or seed dealers may purchase.
2. CCC Order No. 4, as amended August 18, 1943 (now War Food Order No. 24), which restricts the purchase, sale and delivery of farmers' stock peanuts.
3. CCC Order No. 5, July 31, 1943 (now War Food Order No. 26), which requires processors to set aside for sale and delivery to the Corporation all oilseed meal produced by him from soybeans, cottonseed, or peanuts grown in 1942.
4. CCC Order No. 6, as amended November 19, 1943 (now War Food Order No. 27), which provides that no processor shall purchase, accept delivery of, or use soybeans of the 1943 crop except pursuant to a contract with the Corporation or as otherwise authorized by the President of the Corporation.
5. CCC Order No. 7, as amended November 19, 1943 (now War Food Order No. 28), which limits the inventories and use of cottonseed of the 1943 crop by processors, manufacturers, and seed dealers.

F. Vitamins.

Section 10 of Executive Order 9280 provides that the term "food" as used herein shall include "complements to such commodities or products that are or may be eaten or drunk by either humans or animals, irrespective of other uses to which such commodities or products may be put". Vitamins are an element of nutrition in the diet of humans and animals and, as such, are complements to foods.

At the request of the Interdepartmental Transfer Committee, the Director of the Bureau of the Budget, at the time of the original transfer of War Production Board units to the Department of Agriculture, withheld the transfer to the Department of that part of the Pharmaceutical, Glanular, and Vitamins Unit of the Chemical Division concerned with vitamins.

The true vitamin is derived from the livers of cod, shark, halibut, and other fish, and from raw agricultural commodities. The production and the distribution of these commodities are generally the responsibility of the War Food Administration. A synthetic vitamin is developed from a combination of chemicals, which chemicals are within the jurisdiction of the War Production Board. The bulk of the vitamins produced serve both "fortification" and "pharmaceutical" uses. Since, in both instances, the objective is to supplement foods, it is apparent that vitamins used either for fortification or pharmaceutical purposes should be within the jurisdiction of the War Food Administrator to direct the production and distribution of "complements" to foods. However, since vitamins serving pharmaceutical uses are distributed through trade channels which are generally within the control of the War Production Board, and inasmuch as chemicals generally are the responsibility of the War Production Board, it was regarded impracticable to transfer full authority for the production and distribution of all vitamins to the War Food Administrator.

Following an extensive study of the vitamin industry, it was determined, on February 23, 1943, by the Director of the Bureau of the Budget, pursuant to agreements entered into between representatives of the Department of Agriculture and the War Production Board, that the Secretary of Agriculture should have full responsibility for ascertaining all requirements for vitamins -- domestic and foreign, fortification and pharmaceutical -- and that he should be charged with the responsibility of formulating and carrying out a program designed to provide a supply of vitamins adequate to meet all such requirements. There is appended hereto as Exhibit Y, a copy of a letter to Secretary Wickard from Mr. Smith dated February 23, 1943, with regard to the transfer to the Department of Agriculture of functions relating to the production and distribution of vitamins.

For the purpose of further clarifying the division of responsibility between the War Production Board and the War Food Administration for programs having to do with the production and distribution of vitamins, the two agencies entered into an agreement with regard thereto, dated July 1, 1943, a copy of which is appended hereto as Exhibit N. This Agreement assigns the primary responsibility for the allocation of vitamins to the War Food Administration. The War Production Board was given the responsibility for the distribution of vitamins to the various users thereof. Within the War Food Administration, the Special Commodities Branch and the Requirements and Allocations Control of the Office of Distribution are to develop the over-all allocation of vitamins to the various claimant groups. The War Food Administration is represented on the War Production Board Chemical Division. In turn, the War Production Board has a representative on the War Food Administration's Food Requirements and Allocations Committee.

The following Orders regulating the production and use of vitamins have been issued and are presently administered by the War Production Board:

- (1) Limitation Order L-40, which provides that no person shall manufacture any preparation represented to contain more than 5,000 U.S.P. XI Units of Vitamin A in the largest daily dosage recommended by the manufacturer or seller for adult use;

- (2) General Preference Order M-314, which provides that no person shall deliver, accept, or use Vitamin B-1 in crude or refined form except as specifically authorized or directed in writing by the War Production Board.
- (3) Allocation Order M-373, which restricts the number of units of vitamin A which persons may deliver, accept for delivery, or use during designated periods.

G. Beverages and Tobacco.

At the request of the Interdepartmental Transfer Committee, the Director of the Bureau of the Budget withheld the transfer of the Beverages and Tobacco Division of the War Production Board to the Department of Agriculture pending further technical advice. This Division was engaged in the direction of programs for plant conversion, processing, packaging, and other related wartime problems of the beverage and tobacco industries. Subsequently, it was agreed between representatives of the two agencies that the entire Unit should be transferred. Accordingly, the transfer was ordered by the Assistant Director of the Bureau of the Budget on April 14, 1943, to take effect as of 12:01 a.m., April 18, 1943. Appended hereto as Exhibit AA is a copy of a letter from Mr. Coy to Mr. Davis, dated April 14, 1943, directing the transfer of the Beverages and Tobacco Division from the War Production Board to the Administration of Food Production and Distribution [War Food Administration]. See also the letter from Administrator to the War Production Board, dated April 19, 1943 continuing certain functions of the Beverages and Tobacco Division in the Board until June 30, 1943 (Exhibit BB). The War Food Administrator assigned the responsibility for the work of the Beverages and Tobacco Division to the Office of Distribution (Administrator's Memorandum No. 8) effective June 3, 1943.

There was in effect at the time of the transfer, only one Order administered by the Beverages and Tobacco Division. This was War Production Board Conservation Order M-288 which limited all persons engaged in the manufacture of malt beverages to 93% of the quantity of barley, wheat, rye, or other grain previously used by them. Brewers, according to the Order, were not allowed to have inventories of malted grain or syrup which exceeded 10% of the quantity of such products used by them in the manufacture of malt beverages during 1942. War Production Board Order M-288 has been superseded by Food Distribution Order 66, now designated War Food Order No. 66, which, in substance, imposes the same restrictions with regard to the manufacture of malt beverages.

H. Blood.

The jurisdiction of the War Food Administration with regard to the distribution of blood and blood products is set out in some detail in a letter dated October 13, 1943, to Armour and Company from E. J. Murphy, Chief, Grain Products Branch, which is appended hereto as Exhibit FF.

I. Lactic Acid.

The line of demarcation between jurisdiction of the War Food Administration and the jurisdiction of the War Production Board over the distribution of lactic acid is defined in a letter to E. I. Du Pont de Nemours and Company from I. N. P. Stokes, 2d, Assistant General Counsel, War Production Board, dated May 5, 1943, a copy of which is attached hereto as Exhibit DD.

ADDENDUM

Since preparation of the handbook, certain changes, effective January 1, 1945, have been made in the organization of the War Food Administration. Those portions of the handbook detailing the current structure of the Administration are therefore modified in accordance with the following Administrator's Memoranda:

December 13, 1944

MEMORANDUM TO OFFICIALS OF THE WAR FOOD ADMINISTRATION

Attached is a revision of Administrator's Memorandum No. 27, which brings together in one document all outstanding supplements and amendments, and makes certain changes, effective January 1, 1945, in the organization of WFA. This action is based upon the necessity of adapting the structure of WFA to the form best calculated to enable it to carry out the responsibilities assigned to it, at this crucial stage of the war, in a manner that will assure the most effective and orderly use of its powers in contributing to the victory and peace that will follow. Following is a resume of the principal changes effected by the attached Memorandum:

(1) The Office of Distribution and the Office of Production are abolished and three new offices are established, each to be headed by a Director - the Office of Basic Commodities, the Office of Marketing Services, and the Office of Supply.

(2) The functions, funds, personnel, and property of the Office of Production dealing with feed management and crop production are transferred to AAA, while its land conservation functions are transferred to the Soil Conservation Service.

(3) To the new office of Marketing Services, until further notice to be headed by Mr. Lee Marshall, are transferred the functions, funds, personnel, and property of the Office of Distribution relating (a) to the regulatory, inspection, and service statutes; (b) to maximum price and rationing regulations; (c) to school lunch and direct distribution programs under Section 32; (d) to the compliance activities of the Compliance Branch; (e) to the contact work with food industries and other activities of the Industry Operations Branch; (f) to the activities of the Marketing Facilities Branch; (g) to the activities of the Marketing Reports Division; (h) to the civilian food requirements work of the Civilian Food Requirements Branch; (i) to the activities of the Nutrition Program Branch; (j) to the activities of the Distribution Planning Branch (except its price support and subsidy activities); and (k) to activities relating to the formulation, administration and enforcement of War Food Order programs (except those assigned to other WFA agencies).

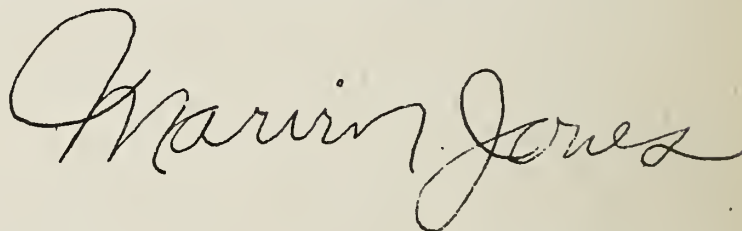
(4) To the new Office of Supply, also until further notice to be headed by Mr. Lee Marshall, are transferred the functions, funds, personnel, and property of the Office of Distribution relating (a) to the activities of Requirement and Allocations Control, to Program Liaison, to

the Procurement and Price Support Branch, and to the Shipping and Storage Branch; (b) to activities in connection with the administration of WFO's 71, 73, 74, 63, and 116; (c) to activities respecting plant facilities and financing; (d) to activities involving use of CCC or Section 32 funds, except the school lunch and direct distribution programs; (e) to activities relating to requisitioning of food and acquisition of property; (f) and to activities respecting procurement, price support, and subsidy operations.

(5) To the new Office of Basic Commodities, to be headed by Mr. Carl C. Farrington, are transferred the functions, funds, personnel, and property of CCC relating to the Cotton, Grain, General Crops, Hemp, Oilseeds, and Sugar Divisions.

(6) Immediate responsibility for lending, buying, selling, storage, transportation, subsidy, and price support programs of the WFA is divided between the Director of Supply and the Director of Basic Commodities, on a commodity basis, and they will carry out these duties as Vice Presidents of CCC. However, the Director of Supply will have general supervision over all procurement for Government needs. In addition to the responsibilities mentioned above, the Director of Supply and the Director of Basic Commodities will conduct disposal operations with respect to food, in line with the assignments made to them, arising under the Surplus War Property Act.

(7) The Federal Crop Insurance Corporation is made an independent program agency of WFA.

A large, stylized handwritten signature in dark ink, reading "Marvin Jones". The signature is written in a cursive style with a large, looping initial "M".

Administrator

December 13, 1944

ADMINISTRATOR'S MEMORANDUM NO. 27, REVISION 1

Organization of War Food Administration

Administrator's Memorandum No. 27, as supplemented and amended, is hereby revised as follows:

I. OFFICE OF THE ADMINISTRATOR

To assist the War Food Administrator in the over-all planning, direction, and execution of the programs of the War Food Administration, there are hereby established in the Office of the Administrator the positions of three Assistant Administrators, one of whom shall be designated as First Assistant Administrator. Under the general supervision of the Administrator, each Assistant Administrator shall be responsible for such matters as may be assigned to him by the Administrator. He shall be authorized to sign or approve, under the title of First Assistant Administrator or Assistant Administrator, as the case may be, all matters which the Administrator may sign or approve.

When the Administrator is absent, or unable to act, the First Assistant Administrator shall be the Acting Administrator. In the absence of both the Administrator and the First Assistant Administrator, one of the Assistant Administrators shall serve as Acting Administrator.

In the Office of the Administrator, there will be one or more Special Advisors to the Administrator and one or more Assistants to the Administrator. As set forth in the Federal Register of June 15, 1943 (8 F. R. 8087), the duties of one of the Assistants to the Administrator will include the performance, for the War Food Administrator, of regulatory functions as defined in the so-called Schwellenbach Act approved April 4, 1940 (50 Stat. 81; 5 U. S. C. 1940 ed. 516a-516e).

II. STAFF AGENCIES

There shall be attached to the Office of the Administrator the following Staff Agencies:

- Office of Price
- Office of Surplus Property and Reconversion
- Office of Transportation
- Office of Water Utilization
- The National War Board

There shall be a Director at the head of each of these Staff Agencies (with the exception of the National War Board, which shall be under the supervision of a Chairman) who shall, in directing the activities of his agency, act under the general supervision of the Administrator or Assistant Administrators, as the case may be. Except as otherwise provided herein or as may be provided by the Administrator, the head

of each staff agency; may, in his discretion, delegate and provide for the subdelegation of his authority to the officers and employees of his office.

The Office of Price. The Director of Price shall have supervision over all functions of the Administration relating to approval of maximum prices to be fixed for agricultural commodities or products; relating to price support programs in connection with particular commodities; and relating to price stabilization operations. The Director of Price shall prepare or review recommendations covering commodities to be supported and the levels and methods of support. The services of all agencies and personnel of the Administration shall be available to the Director of Price in carrying out his responsibilities. All dockets and formal correspondence with respect to these matters, prior to submission to the War Food Administrator for approval or other consideration, shall be transmitted to the Office of Price for review and recommendation.

Office of Surplus Property and Reconversion. (1) The Director of Surplus Property and Reconversion shall exercise general supervision over and shall coordinate the functions and responsibilities of the Administration arising under (a) Executive Order 9425 establishing the Surplus War Property Administration, dated February 19, 1944 (9 F. R. 2071); (b) the Surplus Property Act of 1944 (Public Law 457, 78th Cong., 2nd Sess.), approved October 3, 1944; (c) the War Mobilization and Reconversion Act of 1944 (Public Law 458, 78th Cong., 2nd Sess.), approved October 3, 1944; and (d) the Contract Settlement Act of 1944 (Public Law 395, 78th Cong., 2nd Sess.), approved July 1, 1944. In carrying out his responsibilities, the Director of Surplus Property and Reconversion shall be responsible for the preparation of and submission to the Administrator for approval all statements of policy and all general procedures concerning the interests of the Administration in the programs carried out under these authorities; shall review and make recommendations with respect to all dockets and formal correspondence with respect to these matters, prior to submission to the War Food Administrator for approval or other consideration; and shall also act as alternate for the Administrator in communicating with other Government agencies with respect to these matters. The services of all agencies and personnel of the Administration shall be available to the Director of Surplus Property and Reconversion in carrying out his responsibilities.

(2) The disposal functions assigned to the War Food Administration under items (a) and (b) of paragraph (1), above, shall, under the general supervision of the Director of Surplus Property and Reconversion, be carried out (a) with respect to materials, equipment, and facilities, by the Director of Materials and Facilities and the Chief of the Agricultural Adjustment Agency in line with the assignments made to them under General Departmental Circular No. 31 and Administrator's Memorandum No. 45; and (b) with respect to feeds by the Director of Basic Commodities or the Director of Supply, as the case may be, according to the commodity concerned, in line with assignments hereinafter made to them in part III of this Memorandum with respect to programs involving the exercise of the powers of the Commodity Credit Corporation. No redelegation of the authorities herein vested shall be made except upon the recommendations of the Director of Surplus Property and Reconversion and the approval of the Administrator. These assignments shall be carried

out under regulations or procedures prepared under the direction of the Director of Surplus Property and Reconversion and approved by the Administrator.

Office of Transportation. The director of Transportation shall have the function of coordinating the transportation work of the various agencies of the War Food Administration and shall be responsible for formulating and supervising the execution of general transportation policies and for directing Administration activities in connection with the movement of food and farming and food processing materials or facilities within and into and out of the country. The Director of Transportation shall be responsible for the review of and submission to the Administrator of all statements of policy and procedure requiring his approval or other consideration with respect to transportation matters. He shall also review and make recommendations with respect to all dockets and formal correspondence respecting transportation matters prior to submission to the Administrator for approval or other consideration. The services of all agencies and personnel of the Administration shall be available to the Director of Transportation in carrying out his responsibilities.

Office of Water Utilization. (1) The Director of Water Utilization shall exercise general supervision over and shall coordinate the functions and responsibilities of the agencies of the Administration with respect to all phases of water development, use, and disposal. In carrying out his responsibilities, the Director shall, with respect to all phases of water development, use, and disposal, (a) be responsible for the review of and submission to the Administrator of all statements of policy and procedure requiring his approval for the most effective means of discharging the responsibilities of the Administration; (b) review and make recommendations with respect to all dockets and formal correspondence prior to submission to the Administrator for approval or other consideration; (c) serve in a liaison capacity between agencies of the Administration and other agencies of the Government; (d) appraise the contribution to food production of proposed water programs and projects developed by or submitted to the Administration for recommendations; and (3) maintain relations with research agencies working in the field of water development, use, and disposal, and aid in the summarization and interpretation of research results pertinent and effective to water programs of agencies of the Administration. In carrying out his responsibilities, the Director of Water Utilization shall work closely with the Land Use Coordinator on all matters in these fields involving overall departmental, or interdepartmental, policies and programs. The services of all agencies and personnel of the Administration shall be available to the Director of Water Utilization in carrying out his responsibilities.

(2) The functions and responsibilities of the Administration with respect to all phases of water development, use, and disposal involving critical materials, equipment, and facilities under priority or allocation control, shall, under the general supervision of the Director of Water Utilization, be carried out by the Director of Materials and Facilities. Other agencies of the Administration shall, under the general supervision of the Director of War Utilization, continue to be responsible for the functions

heretofore assigned to them involving water development, use, and disposal. These assignments shall be carried out in accordance with such regulations or procedures as may be prepared under the direction of the Director of Water Utilization and approved by the Administrator.

The National War Board. Until or unless otherwise provided, the National War Board, under the direction of its Chairman, shall continue to be responsible for those functions and to perform those activities heretofore assigned to it.

III. PROGRAM AGENCIES

The Office of Distribution and the Office of Production are hereby abolished; and the functions, funds, personnel, and property of these Offices are transferred in the manner hereinafter set forth in this Memorandum. The following agencies, including a new Office of Basic Commodities, a new Office of Supply, and a new Office of Marketing Services, established by this Memorandum, shall function as independent program agencies within the War Food Administration:

- Agricultural Adjustment Agency
- Commodity Credit Corporation
- Extension Service
- Farm Security Administration
- Federal Crop Insurance Corporation
- Office of Basic Commodities
- Office of Labor
- Office of Marketing Services
- Office of Materials and Facilities
- Office of Supply
- Soil Conservation Service

The Agricultural Adjustment Agency and the Soil Conservation Service shall each be under the direction of a Chief; the Commodity Credit Corporation shall be under the direction of a President; the Farm Security Administration shall be under the direction of an Administrator; the Federal Crop Insurance Corporation shall be under the direction of a Manager; and the Extension Service, the Office of Labor, the Office of Basic Commodities, the Office of Marketing Services, the Office of Materials and Facilities, and the Office of Supply shall each be under the direction of a Director. The head of each program agency shall, in directing the activities of his agency, act under the general supervision of the Administrator or Assistant Administrators, as the case may be, and, except as otherwise provided herein or as may be provided by the Administrator, may, in his discretion, delegate and provide for the subdelegation of his authority to the officers and employees of his office.

Agricultural Adjustment Agency. The functions, funds, personnel, and property of the Office of Production relating to feed management and crop production activities are hereby transferred to the Agricultural Adjustment Agency; and such activities shall be carried out by the Agricultural Adjustment Agency under the supervision and control of the Chief of the Agricultural Adjustment Agency. Until or unless otherwise

provided, the other functions of the Agricultural Adjustment Agency, under the supervision and control of its Chief, shall remain the same as heretofore prescribed in Memoranda issued by the Secretary of Agriculture or the War Food Administrator.

Commodity Credit Corporation. (1) In line with changes hereby made in the organization of the War Food Administration, the Board of Directors of the Commodity Credit Corporation shall be reconstituted to consist of the following:

War Food Administrator, Chairman
President of the Commodity Credit Corporation
Vice President of Commodity Credit Corporation for
Administrative and Fiscal Services
Chief of the Agricultural Adjustment Agency
Director of Basic Commodities
Director of Price
Director of Supply
Director of Surplus Property and Reconversion

(2) Officers of the Corporation shall be the President; three Vice Presidents (including a Vice President for Administrative and Fiscal Services), one of which shall be the Director of Basic Commodities and one of which shall be the Director of Supply; a Secretary, and a Treasurer. Unless otherwise provided herein or prescribed by the Board of Directors, the Vice Presidents may designate such assistants as may be necessary to exercise the powers vested in them.

(3) The by-laws provide, among other things, that the Solicitor and the Director of Finance shall serve as legal advisor and finance advisor, respectively, to the Board of Directors, and in such capacities shall attend the meetings of the Board.

(4) The Vice President for Administrative and Fiscal Services shall be responsible for the administrative services and fiscal affairs of the Corporation, including general supervision of the affairs of the Office of the Treasurer. The Vice President for Administrative and Fiscal Services shall also serve as Secretary of the Corporation.

(5) Except as otherwise specifically authorized by the Administrator, and except for programs involving use of funds and authority under Section 32, Public Law 320, 74th Congress, the powers of the Commodity Credit Corporation shall be utilized for all lending, buying, selling, storage, transportation, subsidy, and price support activities of the War Food Administration with respect to food and food facilities as follows:

(a) The Director of Basic Commodities, acting in his capacity as Vice President of the Commodity Credit Corporation and using the facilities of the Office of Basic Commodities, shall be responsible for all such activities with respect to the following unprocessed commodities: Corn, wheat, cotton, tobacco, peanuts, rice, feed grains, wool, hemp,

sugarcane, sugar beets and raw sugar, soybeans, flaxseed, and cottonseed; provided, that he shall be responsible for such activities with respect to (1) meeting Governmental requirements, only to the extent provided in subparagraph (b) hereof, and (2) feed, seed (except vegetable seed), fertilizer, and other production facilities for domestic use, only to the extent provided in subparagraph (c) hereof.

(b) The Director of Supply, acting in his capacity as Vice President of the Commodity Credit Corporation and using the facilities of the Office of Supply, shall be responsible for all such activities with respect to fruits and vegetable (including potatoes, dried peas and beans, and vegetable seed), livestock and livestock products, dairy products, poultry and poultry products, grain products (except feed), fats and oils, and all other processed food and food processing facilities. He shall also be responsible for all such activities to meet Governmental requirements, provided, that such responsibilities with respect to any commodity mentioned in subparagraph (a) hereof shall be carried out by the Director of Basic Commodities, acting in his capacity as Vice President of the Commodity Credit Corporation and using the facilities of the Office of Basic Commodities, in accordance with directives issued by the Director of Supply and approved by the Administrator.

(c) The Director of Basic Commodities, acting in his capacity as Vice President of the Commodity Credit Corporation and using the facilities of the Office of Basic Commodities, shall be responsible for all such activities with respect to feed, seed (except vegetable seed), fertilizer, and other production facilities for domestic use, provided, that such responsibilities shall be carried out in accordance with directives prepared by the Chief of the Agricultural Adjustment Agency with the concurrence or recommendation of the Director of Supply and the approval of the Administrator.

(d) Responsibility for all such activities with respect to commodities not specifically assigned by subparagraph (a) or (b), above, shall be carried out by either the Director of Basic Commodities or the Director of Supply, acting in their capacities as Vice Presidents of the Commodity Credit Corporation and using the facilities of their respective offices, as may be determined by the Administrator.

(6) Responsibility for programs involving exercise of authority under Section 32, Public Law 320, 74th Congress, shall be vested in the Director of Basic Commodities or the Director of Supply, according to the commodity concerned, on the same basis as is indicated in paragraph (5) with respect to programs involving the exercise of the powers of the Commodity Credit Corporation.

(7) The Director of Basic Commodities and the Director of Supply, when discharging their responsibilities for programs which involve the exercise of the power of the Corporation, or of authority under Section 32, shall, upon the approval of the Administrator, use the facilities of the agency of the Administration which is best adapted to carry out such programs, and shall collaborate with such agency in the formulation of the programs concerned.

(8) All programs involving the exercise of the Commodity Credit Corporation powers or Section 32 authority by the Director of Basic Commodities or the Director of Supply shall be submitted by the Director formulating the program to the Administrator in docket form with the concurrence or recommendation of other interested agencies of the Administration, and of the Solicitor and the Director of Finance.

Extension Service. Until or unless otherwise provided, the functions of the Extension Service, under the supervision and control of the Director of Extension Work, shall remain the same as heretofore prescribed in Memoranda issued by the Secretary of Agriculture or the War Food Administrator. In addition, he shall be responsible for all functions of the War Food Administration relating to intrastate labor, the Woman's Land Army, and the Victory Farm Volunteers. Such camps, equipment, and property as the Director of Labor has determined to be already and continually available for use in the intrastate labor, the Woman's Land Army, and the Victory Volunteers programs have been transferred to the Extension Service for loan to the State Extension Services.

Farm Security Administration. Until or unless otherwise provided, the functions of the Farm Security Administration, under the supervision and control of its Administrator, shall remain the same as heretofore prescribed in Memoranda issued by the Secretary of Agriculture or the War Food Administrator.

The Federal Crop Insurance Corporation. The Federal Crop Insurance Corporation shall hereafter function as an independent program agency within the War Food Administration, and, until or unless otherwise provided, the functions of the Federal Crop Insurance Corporation, under the supervision and control of its Manager, shall remain the same as heretofore prescribed in Memoranda issued by the Secretary of Agriculture or the War Food Administrator.

Office of Basic Commodities. There is hereby established within the War Food Administration the Office of Basic Commodities, at the head of which shall be a Director. The functions, funds, personnel, and property of the Commodity Credit Corporation with respect to the following and related matters are hereby transferred to the Office of Basic Commodities, and such activities with respect to these matters shall be carried out by the Office of Basic Commodities under the supervision and control of its Director:

- Activities of the Cotton Division
- Activities of the Grain Division
- Activities of the General Crops Division
- Activities of the Hemp Division
- Activities of the Oilseeds Division
- Activities of the Sugar Division

So much of the functions, funds, personnel, and property of the Fiscal Management Services, the Administrative Division, and the field offices

of the Commodity Credit Corporation as relates to the activities hereby transferred to the Office of Basic Commodities shall be transferred for use in connection with the exercise of the functions so transferred.

The Office of Labor. The Director of Labor shall be responsible for all functions of the War Food Administration relating to labor, manpower, and wage stabilization, except those functions relating to intrastate labor, the Woman's Land Army, and the Victory Farm Volunteers.

Office of Marketing Services. There is hereby established within the War Food Administration the Office of Marketing Services, at the head of which shall be a Director. The functions, funds, personnel, and property of the Office of Distribution with respect to the following and related matters are hereby transferred to the Office of Marketing Services, and activities with respect to these matters shall be carried out by the Office of Marketing Services under the supervision and control of its Director:

Activities of the commodity branches relating to -

- Inspection, grading, and standardization
- Market News
- Meat Inspection
- Grain Standards Act
- Federal Seed Act
- Cotton Futures Act
- Cotton Standards Act
- Cotton Grade and Staples Statistics Act
- Tobacco Inspection Act
- Tobacco Compact Act
- Tobacco Statistics Act
- Tobacco Seed and Plant Exportation Act
- Packers and Stockyards Act
- Produce Agency Act
- Perishable Agricultural Commodities Act
- Export Apple and Pear Act
- Standard Container Act
- Sugar Act of 1937
- Insecticide Act
- Naval Stores Act, and
- Marketing Agreements Acts

- Activities relating to maximum price regulations
- Activities of the Compliance Branch, including, but not restricted to, the Commodity Exchange Act
- Activities of the Industry Operations Branch
- Activities of the Marketing Facilities Branch, including, but not restricted to, the Warehouse Act, the 28-Hour Law, and Section 201 of the Agricultural Adjustment Act of 1938
- Activities of the Civilian Food Requirements Branch, including but not restricted to, the formulation of plans and policies regarding the time, extent, and other conditions for the rationing of foods, and its functions

relating to school lunch and direct distribution programs under Section 32

Activities of the Nutrition Programs Branch

Activities of the Distribution Planning Branch (except its price support and subsidy activities)

Activities of the Marketing Reports Division

Activities relating to the formulation, administration, and enforcement of War Food Orders issued pursuant to Title III of the Second War Powers Act, 1942 (except WFO 71, WFO 73, WFO 74, WFO 63 and WFO 116, and except for activities relating to the exercise of the priority powers, which, by this Memorandum, are transferred to the Office of Supply); provided that, the formulation of "set-aside" orders by the Director of Marketing Services shall be in collaboration with the Director of Supply

So much of the functions, funds, personnel, and property of the Administrative Services Division, the Audit Division, the Budget and Organization Division, the Finance Division, the Personnel Division, and the field offices of the Office of Distribution as relates to the activities hereby transferred to the Office of Marketing Services shall be transferred for use in connection with the exercise of the functions so transferred.

Office of Materials and Facilities. The Director of Materials and Facilities shall be responsible for all materials, supplies, machinery, equipment, and facilities programs of the War Food Administration. The Director of Materials and Facilities shall serve as representative of the War Food Administration on the Requirements Committee of the War Production Board.

Office of Supply. There is hereby established within the War Food Administration the Office of Supply, at the head of which shall be a Director. The functions, funds, personnel, and property of the Office of Distribution with respect to the following and related matters are hereby transferred to the Office of Supply; and activities with respect to these matters shall be carried out by the Office of Supply under the supervision and control of its Director:

Activities of Requirements and Allocation Control

Activities of Program Liaison

Activities of the Procurement and Price Support Branch

Activities of the Shipping and Storage Branch

Activities in connection with the administration of WFO 71, WFO 73, WFO 74, WFO 63, and WFO 116

Activities relating to plant facilities and financing

Activities with respect to all programs involving use of Commodity Credit Corporation or Section 32 funds except the school lunch and direct distribution programs

Activities with respect to the requisitioning of food for human or animal consumption (Executive Order 9280, 7

F. R. 10179, paragraph 8c)

Activities with respect to the powers of acquisition of property under the Act of July 2, 1917 (40 Stat. 241), as amended by Title II of the Second War Powers Act of 1942

Activities with respect to the powers of taking over and operating facilities under Section 120 of the National Defense Act of 1916 (39 Stat. 213), and Section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892)

Activities with respect to anti-trust prosecution (Executive Order 9280, 7 F. R. 10179, paragraph 8 f)

So much of the functions, funds, personnel, and property of the Administrative Services Division, the Audit Division, the Budget and Organization Division, the Finance Division, the Personnel Division, and the field offices of the Office of Distribution as relates to the activities hereby transferred to the Office of Supply shall be transferred for use in connection with the exercise of the function so transferred.

The Director of Supply shall direct and be responsible for the determination of food requirements and the recommendation to the Administrator of allocations among claimants. The Director of Supply shall direct liaison activities with foreign food missions, the Armed Services, and other agencies for which he is responsible for procuring food. The Director of Supply shall also be responsible for the preparation of directives relating to the foreign purchase and importation of foods and the supervision of the activities of the Administration in connection with priorities for and requisitioning of food or property.

Soil Conservation Service. The functions, funds, personnel and property of the Office of Production relating to soil conservation and land use activities are hereby transferred to the Soil Conservation Service, and these activities shall be carried out by the Soil Conservation Service under the supervision and control of the Chief of Soil Conservation. Until or unless otherwise provided, the other functions of the Soil Conservation Service, under the supervision and control of its Chief, shall remain the same as heretofore prescribed in Memoranda issued by the Secretary of Agriculture or the War Food Administrator.

IV. INTERAGENCY FOOD IMPORTATION COMMITTEE

The Interagency Food Importation Committee, established by Administrator's Memorandum No. 27, Supplement 4, Amendment 3, dated April 4, 1944, shall be composed of the Directors of Marketing Services, Transportation, Foreign Agricultural Relations, Supply, Basic Commodities, and the Chief of the Agricultural Adjustment Agency, or their designees. The Director of Supply or his designee shall serve as Chairman of the Committee. The Committee may also include representatives of such other agencies as may be invited by the Chairman. The Vice Chairman and the Executive Secretary shall be designated by the Chairman. The Committee shall act in an advisory capacity to the Chairman.

The Chairman, in consultation with members of the Committee, shall be responsible for -

(1) Determining and recommending to the War Food Administration the quantities of food to be imported into the United States, sources of supply, and the most appropriate method (i.e., public purchases or private imports).

(2) The preparation of directives for the foreign procurement of food for human or animal consumption through public purchases to be issued to the Foreign Economic Administration by the War Food Administration; provided, that such directives with respect to feed, fertilizers, seed, and other production facilities shall be submitted to the War Food Administrator with the concurrence or recommendation of the Chief of the Agricultural Adjustment Agency.

(3) Participation with representatives of the War Production Board in the preparation of directives which are to be issued to the Foreign Economic Administration jointly by the Chairman of the War Production Board and the War Food Administration relative to the importation of food for industrial use.

(4) Recommendations to the Inter-Departmental Shipping Priorities Advisory Committee on shipping quotas and shipping priorities to be established for the importation of food and food facilities. In collaboration with the Director of Transportation, the Chairman, or a joint designee, shall represent the War Food Administration on the Inter-Departmental Shipping Priorities Advisory Committee.

The Chairman, or his designee, shall -

(1) Refer to the Director of Transportation, or his designee, the determinations made as to shipping quotas and priorities, who shall thereupon have the responsibility, as liaison officer between the War Food Administration and the War Shipping Administration, of making every effort to see that over-all shipping is provided to meet the requirements of the shipping quotas and priorities established.

(2) In collaboration with the Director of Transportation work out the month-to-month scheduling of importations with the War Shipping Administration.

V. FOOD REQUIREMENTS AND ALLOCATIONS COMMITTEE

The Director of Supply shall serve as Chairman of the Food Requirements and Allocations Committee (Administrator's Memorandum No. 30, revised March 18, 1944), and shall perform all of the duties assigned to the Chairman, including the responsibilities of the Chairman of the Food Requirements and Allocations Committee in connection with the work of the Combined Food Board. The responsibilities of the Director of Production set forth in Administrator's Memorandum No. 30, revised March 18, 1944, shall hereafter be performed by the Chief of the Agricultural Adjustment Agency.

VI. SERVICE AGENCIES

All the Service Agencies of the Department of Agriculture, including the Bureau of Agricultural Economics, the Office of Budget and Finance, the Office of Foreign Agricultural Relations, the Office of Information, the Land Use Coordinator, the Library, the Office of Personnel, the Office of Plant and Operations, and the Office of the Solicitor, shall also constitute a part of the War Food Administration. Except as the Administrator may expressly prescribe otherwise, the services of such agencies shall be utilized by the War Food Administration in the same manner and to the same extent as their services have heretofore been utilized by the Department of Agriculture. In addition, the Office of Personnel will perform detailed personnel operations for those agencies of the War Food Administration which do not maintain their own personnel offices, and the Office of Budget and Finance will perform detailed budgetary and fiscal operations for those agencies of the War Food Administration which do not maintain their own budget and fiscal offices.

VII. PERSONNEL ASSIGNMENTS

<u>First Assistant Administrator</u>	- - - - -	Grover B. Hill
<u>Assistant Administrator</u>	- - - - -	Wilson Cowen
<u>Assistant Administrator</u>	- - - - -	Ashley Sellers
<u>Special Advisor to the Administrator</u>	- - - - -	D. A. FitzGerald
<u>Assistants to the Administrator</u>	- - - - -	
	- - - - -	Jesse E. Baskette, Jr.
	- - - - -	Thomas J. Flavin
	- - - - -	Francis A. Flood
	- - - - -	Ernest C. Neas
	- - - - -	Lafayette L. Patterson
<u>Director of Price</u>	- - - - -	H. B. Boyd
<u>Director of Surplus Property and Reconversion</u>	- - - - -	David Meeker
<u>Director of Transportation</u>	- - - - -	Edgar B. Black
<u>Director of Water Utilization</u>	- - - - -	Ralph M. Will
<u>Chairman of the National War Board</u>	- - - - -	Ernest Duke
<u>Chief of the Agricultural Adjustment Agency</u>	- - - - -	N. E. Dodd
<u>President of the Commodity Credit Corporation</u>	- - - - -	(To be designated)

Vice President of the Commodity Credit Corporation for Administrative and Fiscal Services, and Secretary of CCC - - - - - G. E. Rathell

Director of Basic Commodities - - - - - Carl C. Farrington

Director of Supply - - - - - Lee Marshall

Director of Extension Work - - - - - M. L. Wilson

Administrator of the Farm Security Administration - - - - - Frank Hancock

Manager of the Federal Crop Insurance Corporation - - - - - J. Carl Wright

Director of Labor - - - - - Brig. Gen. Philip G. Bruton

Director of Marketing Services - - - - - Lee Marshall

Director of Materials and Facilities - - - - - Frederick B. Northrup

Chief of Soil Conservation - - - - - H. H. Bennett

Chief of the Bureau of Agricultural Economics - - - - - Howard R. Tolley

Director of Finance - - - - - W. A. Jump

Director of Foreign Agricultural Relations - - - - - L. A. Wheeler

Director of Information - - - - - Keith Himebaugh

Land Use Coordinator - - - - - Ernst H. Wiecking

Librarian - - - - - Mildred Benton, Acting

Director of Personnel - - - - - T. Roy Reid

Chief of Plant and Operations - - - - - Arthur B. Thatcher

Solicitor - - - - - Robert H. Shields

VIII. ADMINISTRATIVE COMMITTEE

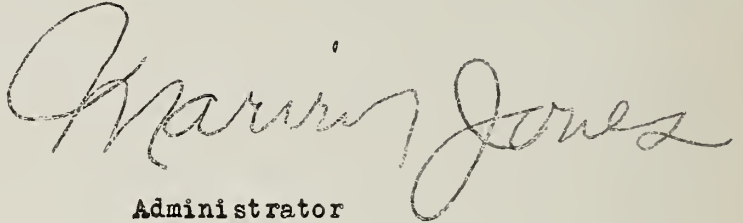
To facilitate the execution of the organization changes outlined in this Memorandum, there is hereby established for such period as may be necessary an Administrative Committee composed of the Solicitor, the Director of Personnel, and the Director of Finance. The Director of Finance shall act as Chairman of the Committee. The Committee shall have the authority to determine the construction and the application of the provisions of this Memorandum. The Director of Finance, with

the advice of the Committee, shall have authority to determine necessary transfers of functions, funds, personnel, and property to effectuate the changes prescribed in this Memorandum.

I V. MISCELLANEOUS

All previous Memoranda are superseded to the extent that they conflict or are inconsistent with the provisions of this Memorandum.

The provisions of this Memorandum shall become effective January 1, 1945.


Administrator

WAR FOOD ADMINISTRATION

Washington 25, D. C.

January 5, 1945

ADMINISTRATOR'S MEMORANDUM NO. 27, REVISION 1

Amendment 1

Commodity Credit Corporation

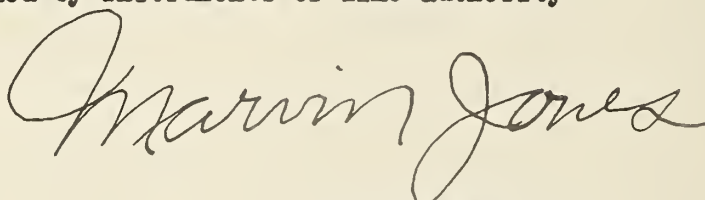
1. The Office of Basic Commodities, the Office of Supply, and that part of the Office of Marketing Services concerned primarily with school lunch and direct distribution programs under Section 32, Public Law 320, 74th Congress, together with their functions, funds, personnel, and property, are hereby consolidated with and made a part of the Commodity Credit Corporation as of January 1, 1945.

2. The President shall be the chief executive officer of the Corporation and shall be responsible for the general direction of and control over the administrative and fiscal affairs of the Corporation and shall vest in the Vice Presidents such of his responsibilities as he deems advisable. One Vice President of the Corporation shall be responsible for all program operations assigned to the Director of Basic Commodities by Administrator's Memorandum No. 27, Revision 1, and in carrying out these program operations he shall be directly responsible to the War Food Administrator. One Vice President of the Corporation shall be responsible for all program operations assigned to the Director of Supply by Administrator's Memorandum No. 27, Revision 1, and the program operations heretofore assigned to the Director of Marketing Services by Administrator's Memorandum No. 27, Revision 1, relating to school lunch and direct distribution programs under Section 32, Public Law 320, 74th Congress, and in carrying out these program operations he shall be directly responsible to the War Food Administrator.

3. The President of the Corporation is authorized, with the approval of the War Food Administrator, to make such adjustments in the organization of the Corporation, including the consolidation or integration of the parts thereof, as he may deem necessary. In this connection, the President shall, to the fullest extent practicable, consolidate the existing field staffs of the Corporation, including those now engaged in carrying out the program operations of the Vice Presidents referred to in paragraph 2 hereof, into one field organization which shall service all of the programs for which the Corporation is responsible.

4. All programs involving the exercise of the powers of the Commodity Credit Corporation, or the use of its credit, or the commitment of any funds for which it is responsible, by any Vice President, shall be submitted to the Administrator in docket form, with the concurrence or recommendation of the President of the Corporation, any other interested agency of the Administration, the Solicitor, and the Director of Finance.

5. Any provision of this or any other memorandum conflicting with this amendment is superseded to the extent of such conflict. All regulations, orders, and similar instruments heretofore issued by any officer of the War Food Administration which affect the subject matter of this amendment shall continue in full force and effect unless and until withdrawn or superseded by instruments of like authority.

A handwritten signature in cursive script, reading "Marvin Jones". The signature is written in dark ink and is positioned above the printed name of the Administrator.

Administrator

WAR FOOD ADMINISTRATION
Washington 25, D. C.

January 11, 1945

ADMINISTRATOR'S MEMORANDUM NO. 27, REVISION 1, AMENDMENT 2

Organization of War Food Administration

The paragraph entitled "The Office of Labor," page 9 of Administrator's Memorandum No. 27, Revision 1, Part III, dated December 13, 1944, as amended, is hereby amended to read as follows:

The Office of Labor shall be responsible for the following functions of the War Food Administration relating to labor:

- (1) All functions relating to manpower and wage stabilization;
- (2) All functions relating to foreign labor, except the placement of such labor with individual producers or producer association;
- (3) The operation of all farm labor supply camps owned or leased by the War Food Administration which are used wholly or in part for the housing of interstate or other migratory labor, including the provision of subsistence and medical care for workers housed therein and the provision of health and medical services for migratory agricultural workers entering the areas served by such farm labor camps.
- (4) The negotiations between the War Food Administration and the War Department for the utilization of Prisoners of War as agricultural workers.

The Office of Labor shall also serve as a central office for obtaining special equipment for the transportation across State lines of interstate domestic labor, but shall not be responsible for any other phases of transportation of such interstate domestic labor.

That portion of the paragraph entitled "Extension Service" on page 8 of Administrator's Memorandum No. 27, Revision 1, Part III, dated December 13, 1944, as amended, which relates to labor is hereby amended to read as follows:

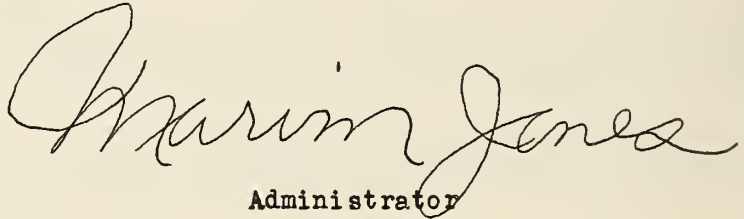
The Extension Service shall be responsible for the following functions of the War Food Administration relating to labor:

- (1) All functions relating to intrastate domestic labor, the Women's Land Army and the Victory Farm Volunteers except as provided in (2) below;

(2) All functions relating to interstate domestic and migratory domestic labor, except the provision of housing, subsistence and medical care where such interstate domestic labor or other migratory labor is housed in War Food Administration camps operated by the Office of Labor.

(3) The determination of prevailing wages.

(4) All administrative and supervisory relationships with State Agricultural Extension Services incident to Section 2(a) of the Farm Labor Supply Appropriation Act, 1944 (P. L. 229, 78th Cong., 2d Sess.), as supplemented.

A handwritten signature in cursive script, reading "Marion Jones". The signature is written in dark ink and is positioned above the printed title "Administrator".

Administrator

WAR FOOD ADMINISTRATION

Washington 25, D. C.

January 31, 1945

ADMINISTRATOR'S MEMORANDUM NO. 27, REVISION 1
AMENDMENT 3

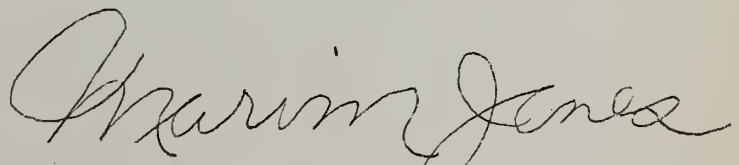
Organization of War Food Administration

Lee Marshall has resigned from his positions in the War Food Administration, effective January 31, 1945, to return to private business from which he has been on leave of absence.

Lieutenant Colonel Ralph W. Olmstead is hereby designated to succeed Mr. Marshall as Vice President and Director of Supply of the Commodity Credit Corporation, and, in this connection, he shall serve as a member of the Board of Directors of the Corporation, and he shall serve as Chairman of the Interagency Food Importations Committee (see Administrator's Memorandum No. 27, Revision 1, Part IV, dated December 13, 1944); and as Chairman of the Food Requirements and Allocations Committee (see Administrator's Memorandum No. 30, revised March 18, 1944), and shall perform all of the duties assigned to the Chairman of those Committees, including the responsibilities of the Chairman of the Food Requirements and Allocations Committee in connection with the work of the Combined Food Board.

C. W. Kitchen is hereby designated to succeed Mr. Marshall as Director of Marketing Services, and shall perform all of the duties heretofore assigned to the Director of that Office.

Carl C. Farrington shall, as Vice President and Director of Basic Commodities of the Commodity Credit Corporation, also serve as a member of the Board of Directors of the Corporation.

A handwritten signature in cursive script, reading "Warren Jones".

War Food Administrator

Exhibit A

EXECUTIVE ORDER 9280

(8 F. R. 10179)

DELEGATING AUTHORITY WITH RESPECT TO THE
NATION'S FOOD PROGRAM

By virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order to assure an adequate supply and efficient distribution of food to meet war and essential civilian needs, it is hereby ordered as follows:

1. The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized and directed to assume full responsibility for and control over the Nation's food program. In exercising such authority, he shall:

a. Ascertain and determine the direct and indirect military, other governmental, civilian, and foreign requirements for food, both for human and animal consumption and for industrial uses.

b. Formulate and carry out a program designed to furnish a supply of food adequate to meet such requirements, including the allocation of the agricultural productive resources of the Nation for this purpose.

c. Assign food priorities and make allocations of food for human and animal consumption to governmental agencies and for private account, for direct and indirect military, other governmental, civilian, and foreign needs.

d. Take all appropriate steps to insure the efficient and proper distribution of the available supply of food.

e. Purchase and procure food for such Federal agencies, and to such extent, as he shall determine necessary or desirable, and promulgate policies to govern the purchase and procurement of food by all other Federal agencies: Provided, That nothing in this subsection shall limit the authority of the armed forces to purchase or procure food outside the United States or in any theater of war as such purchase and procurement shall be required by military or naval operations, or the authority of any other authorized agency to purchase or procure food outside the United States for rehabilitation or relief purposes abroad. Existing methods for the purchase and procurement of food by other Federal agencies shall continue until otherwise determined by the Secretary pursuant to this Executive Order.

2. The Secretary shall recommend to the Chairman of the War Production Board the amounts and types of non-food materials, supplies, and equipment necessary for carrying out the food program. Following consideration of these recommendations, the Chairman of the War Production

Board shall allocate stated amounts of non-food materials, supplies, and equipment to the Secretary for carrying out the food program; and the War Production Board, through its priorities and allocation powers, shall direct the use of such materials, supplies, and equipment for such specific purposes as the Secretary may determine.

3. Whenever the available supply of any food is insufficient to meet both food and industrial needs, the Chairman of the War Production Board and the Secretary shall jointly determine the division to be made of the available supply of such food. In the event of any difference of view between the Chairman of the War Production Board and the Secretary, such difference shall be submitted for final determination to the President or to such agent or agency as the President may designate.

4. The Secretary, after determining the need and the amount of food available for civilian rationing, shall, through the Office of Price Administration, exercise the priorities and allocation powers conferred upon him by this Executive Order for civilian rationing, with respect to (a) the sale, transfer, or other disposition of food by any person who sells at retail to any person, and (b) the sale, transfer, or other disposition of food by any person to an ultimate consumer, as is currently provided for in War Production Board Directive No. 1, dated January 24, 1942, and existing supplements thereto; and with respect to (c) the sale, transfer, or other disposition of food by any person at such other levels of distribution as he may determine; and in the administration or enforcement of any such priorities or allocation authority for civilian rationing, the Office of Price Administration, subject to the provisions of this Executive Order, is hereby authorized to exercise all the functions, duties, powers, authority, or discretion conferred upon the Price Administrator by Section 3 of Executive Order 9125 of April 7, 1942. The Secretary, before determining the time, extent, and other conditions of civilian rationing, shall consult with the Price Administrator.

5. In discharging his responsibility under this Executive Order with respect to the exportation of food, the Secretary shall collaborate with the other agencies concerned with the foreign aspects of the food program in the determination of plans, policies and procedures for the feeding of the peoples in foreign countries and the production and stockpiling of food for use abroad. With respect to the issuance of the directives for the importation of food heretofore issued to the Board of Economic Warfare by the Chairman of the War Production Board under Executive Order No. 9128 of April 13, 1942, the Secretary shall issue those directives which relate to the importation of food for human and animal consumption, and the Chairman of the War Production Board and the Secretary shall jointly issue those directives which relate to the importation of food for industrial uses. The Chairman of the War Production Board shall continue to issue all other directives which relate to the importation of materials, supplies, and equipment required for the war production program and the civilian economy. Schedules of priorities heretofore prepared and issued by the Chairman of the War Production Board under Executive Order 9054 of February 7, 1942 for the importation by overseas transportation of food for human or animal consumption and for industrial uses shall be similarly issued, and transmitted to the Administrator of War Shipping Administration for his guidance.

6. In discharging his responsibility under this Executive Order, the Secretary shall, in the event of a shortage of domestic transportation service, and after consultation with the War Production Board for the purpose of adjusting the relative demands for the movement of food for human or animal consumption and the movement of commodities for other purposes, prepare schedules of priorities for the domestic movement of food, which the Office of Defense Transportation shall take into consideration in determining traffic movements.

7. (a) To advise and consult with him in carrying out the provisions of this Executive Order, the Secretary shall appoint a committee composed of representatives of the State, War, and Navy Departments, the Office of Lend-Lease Administration, the Board of Economic Warfare, the War Production Board, and such other agencies as the Secretary may determine to be concerned with the food program. The Food Requirements Committee of the War Production Board established by the Chairman of the War Production Board by memorandum dated June 4, 1942, is abolished effective as of the date of appointment of said advisory committee. The Secretary shall receive from the members of such advisory committee estimates of food requirements, and consult with such committee prior to the making of food allocations under Section 1 (c) of this Executive Order. Such committee shall perform such other functions in connection with the food program as the Secretary may determine. The Secretary may, in his discretion, appoint such other advisory committees composed of representatives of governmental or private groups interested in the food program as he deems appropriate.

b. Section 1 of Executive Order No. 9024, dated January 16, 1942, is amended to provide that the Secretary shall be a member of the War Production Board.

8. The Secretary, in carrying out the responsibilities imposed on him by this Executive Order, may, subject to the provisions of this Executive Order, exercise the following powers in addition to the powers heretofore vested in him.

a. The power conferred upon the Department of Agriculture with respect to contracts by Executive Order No. 9023 of January 14, 1942.

b. The power conferred upon the President by Title III of the Second War Powers Act, 1942, insofar as it relates to priorities and allocations of (1) all food for human or animal consumption or for other use in connection with the food program, but excluding that food which has been determined to be available to the War Production Board for industrial purposes pursuant to Section 3 of this Executive Order; (2) those portions of non-food materials, supplies, and equipment which have been allocated by the War Production Board under Section 2 of this Order for carrying out the food program; (3) any other material or facility, when the Secretary determines that it is necessary, in order to carry out the provisions of this Executive Order, to exercise the priorities or allocation power with respect thereto: Provided, That in order to avoid overlapping and conflicting action, prior to taking action pursuant to item (3) hereof, the Secretary shall inform the Chairman of the War Production Board of the action proposed to be taken, and in the event that

the Chairman of the War Production Board shall object, the issue shall be determined by the President or such agent or agency as he may designate. Contracts or orders, relating to the materials and facilities specified in this sub-section, made by the Secretary, or by any other office or agency of the Government at the Secretary's direction, and subcontracts and suborders which the Secretary shall deem necessary or appropriate to the fulfillment of any such contract or order, are hereby declared to be necessary and appropriate to promote the defense of the United States. The Secretary may assign priorities with respect to deliveries under any such contract, order, subcontract or suborder, and he may require acceptance of and performance of any such contract, order, subcontract or suborder, in preference to other contracts or orders for the purpose of assuring such priority. Allocations of materials and facilities under this subsection may be made by the Secretary in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate in the public interest, to promote the national defense, and to carry out the provisions of this Executive Order.

c. The powers under the Act of October 10, 1940 (54 Stat. 1090), as amended by the Act of July 2, 1942 (56 Stat. 467), and the Act of October 16, 1941 (55 Stat. 742), as amended by Title VI of the Second War Powers Act, 1942, heretofore vested in the War Production Board by Executive Order No. 8942 of November 19, 1941, Executive Order No. 9024 of January 16, 1942, and Executive Order No. 9040 of January 24, 1942, with respect to the requisitioning of food for human or animal consumption.

d. The powers of acquisition of property under the Act of July 2, 1917 (40 Stat. 241), as amended by Title II of the Second War Powers Act, 1942.

e. The powers of taking over and operating facilities under Section 120 of the National Defense Act of 1916 (39 Stat. 213) and Section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892).

f. The powers with respect to anti-trust prosecutions vested in the Chairman of the War Production Board by Section 12 of the Act of June 11, 1942, Public Law 603, 77th Congress.

g. The power of inspection and audit of the war contractors (including the power of subpoena) under Title XIII of the Second War Powers Act, 1942.

9. The Secretary is authorized to delegate any or all functions, responsibilities, powers (including the power of subpoena, authorities, or discretions) conferred upon him by this Executive Order to such person or persons within the Department of Agriculture as he may designate or appoint for that purpose. The Secretary may, except as otherwise provided herein, delegate to any appropriate Federal, state, or local governmental agency, officer, or employee, in such manner and for such periods of time as he shall deem advisable, the execution of any of the provisions of this Executive Order together with any powers of the Secretary under this Executive Order. To the fullest extent compatible with efficiency the Secretary shall utilize existing facilities and services of other governmental departments and agencies and may accept the services and facilities of any state or local governmental agency in carrying out his responsibilities defined hereunder.

10. As used herein, the term "food" shall mean all commodities and products, simple, mixed, or compound, or complements to such commodities or products that are or may be eaten or drunk by either humans or animals, irrespective of other uses to which such commodities or products may be put, and at all stages of processing from the raw commodity to the product thereof in a vendible form for immediate human or animal consumption, but exclusive of such commodities and products as the Secretary shall determine. For the purposes of this Executive Order, the term "food" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, hemp, flax fiber, and such other agricultural commodities and products as the President may designate.

11. In the event of any difference of view arising between the Secretary and any other officer or agency of the Government, in the administration of the provisions of this Executive Order, such difference of view shall be submitted for final decision to the President or such agent or agency as the President may designate.

12. The personnel, property, records, unexpended balances of appropriations, allocations, and other funds of the War Production Board primarily concerned with and available for, as determined by the Director of the Bureau of the Budget, the discharge of any of the functions, responsibilities, powers, authorities, and discretions that are vested in the Secretary by this Executive Order are hereby transferred to the Department of Agriculture. In determining the amounts transferred hereunder, allowance shall be made for the liquidation of obligations previously incurred against such balances of appropriations, allocations, or other funds transferred.

13. To facilitate the effective discharge of the Secretary's responsibility under this Executive Order, the following changes are made within the Department of Agriculture:

a. The Agricultural Conservation and Adjustment Administration (except the Sugar Agency), the Farm Credit Administration, the Farm Security Administration, and their functions, personnel, and property; the functions, personnel, and property of the Division of Farm Management and Costs of the Bureau of Agricultural Economics concerned primarily with the planning of current agricultural production; the functions, personnel, and property of the Office of Agricultural War Relations concerned primarily with the production of food; and the functions, personnel, and property established in or transferred to the Department by this Executive Order that are concerned primarily with the production of food, are consolidated into an agency to be known as the Food Production Administration of the Department of Agriculture. The Food Production Administration shall be under the direction and supervision of a Director of Food Production appointed by the Secretary.

b. The Agricultural Marketing Administration, the Sugar Agency of the Agricultural Conservation and Adjustment Administration, and their functions, personnel, and property; the functions, personnel, and property of the Bureau of Animal Industry of the Agricultural Research Administration concerned primarily with regulatory activities; the functions, personnel, and the property of the Office of Agricultural War Relations concerned primarily with the distribution of food; and the functions, personnel, and property established in or transferred to the Department of Agriculture by this Executive Order that are concerned primarily with the distribution of food are consolidated into an agency to be known as the Food Distribution Administration of the Department of Agriculture. The Food Distribution Administration shall be under the direction and supervision of a Director of Food Distribution appointed by the Secretary.

c. So much of the unexpended balances of appropriations, allocations, or other funds available (or to be made available) for the use of any agency in the exercise of any function transferred or consolidated by subsections a. and b. of this section or for the use of the head of any agency in the exercise of any function so transferred or consolidated, as the Director of the Bureau of the Budget shall determine, shall be transferred for use in connection with the exercise of the function so transferred or consolidated. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such balances of appropriations, allocations, or other funds prior to the transfer.

14. Any provision of any Executive Order or proclamation conflicting with this Executive Order is superseded to the extent of such conflict. All prior directives, rules, regulations, orders, and similar instruments heretofore issued by any Federal agency which affect the subject matter of this Executive Order shall continue in full force and effect unless and until withdrawn or superseded by or under the direction of the Secretary under the authority of this Order. Nothing in this Order shall be construed to limit the powers exercised by the Economic Stabilization Director under Executive Order 9250 dated October 3, 1942, as amended. Nothing in this Order shall be construed to limit the power now exercised by the Price Administrator under the Emergency Price Control Act of 1942, Public Law 421, 77th Congress, as amended, or the Act of October 2, 1942, Public Law 729, 77th Congress.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE
December 5, 1942

Exhibit B

EXECUTIVE ORDER 9322

8 F. R. 3807

CENTRALIZING AND DELEGATING AUTHORITY WITH RESPECT TO THE
PRODUCTION AND DISTRIBUTION OF FOOD

By virtue of the authority vested in me by the Constitution and the statutes of the United States, particularly by the First War Powers Act, 1941, as President of the United States and Commander in Chief of the Army and Navy, and in order to assure an adequate supply and efficient distribution of food to meet war and essential civilian needs, it is hereby ordered as follows:

1. The Food Production Administration (except the Farm Credit Administration), the Food Distribution Administration, the Commodity Credit Corporation, and the Extension Service are hereby consolidated within the Department of Agriculture into an Administration of Food Production and Distribution to be under the direction and supervision of an Administrator. The Administrator shall be appointed by the President and shall be directly responsible to him.

2. All of the powers, functions, and duties conferred upon the Secretary of Agriculture by Executive Order No. 9280 dated December 5, 1942, are transferred to and shall be exercised by the Administrator. The Secretary of Agriculture shall, however, continue as Chairman of the Inter-Departmental Committee set up by section 7(a) of Executive Order No. 9280 ~~2~~ to advise the Administrator, and the Administrator shall become a member of such committee. The Secretary of Agriculture shall continue as a member of the War Production Board as provided in section 7(b) of Executive Order ~~9280~~ The Secretary of Agriculture shall continue as the American representative on the Combined Food Board.

3. The personnel, property, and records used primarily in the administration of the functions, powers, and duties transferred and consolidated by this order are transferred to the Administrator. So much of the unexpended balances of appropriations, allocations, and other funds available to the Department of Agriculture for the said purposes as the Director of the Bureau of the Budget shall determine shall be transferred to the Administrator for use in connection with the exercise of the functions, powers, and duties so transferred. The authority heretofore vested in the Secretary of Agriculture over personnel of divisions, bureaus, and agencies transferred to and consolidated under the Administrator is vested in the Administrator. The powers in respect to labor and manpower heretofore vested in the Secretary of Agriculture by the orders of the Economic Stabilization Director or the Chairman of the War Manpower Commission are vested in the Administrator. The authority heretofore vested in the Secretary of Agriculture under Title IV of Executive Order 9250 ~~b~~ is vested in the Administrator.

/s/ FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 26, 1943

a/ Sec. 7(a) of Executive Order 9280 reads as follows: "To advise and consult with him in carrying out the provisions of this Executive Order, the Secretary shall appoint a committee composed of representatives of the State, War, and Navy Departments, the Office of Lend-Lease Administration, the Board of Economic Warfare, the War Production Board, and such other agencies as the Secretary may determine to be concerned with the food program. The Food Requirements Committee of the War Production Board established by the Chairman of the War Production Board by memorandum dated June 4, 1942 is abolished effective as of the date of appointment of said advisory committee. The Secretary shall receive from the members of such advisory committee estimates of food requirements, and consult with such committee prior to the making of food allocations under Section 1(c) of this Executive Order. Such committee shall perform such other functions in connection with the food program as the Secretary may determine. The Secretary may, in his discretion, appoint such other advisory committees composed of representatives of governmental or private groups interested in the food program as he deems appropriate."

b/ Title IV of Executive Order 9250 reads as follows: "1. The prices of agricultural commodities and of commodities manufactured or processed in whole or substantial part from any agricultural commodity shall be stabilized, so far as practicable, on the basis of levels which existed on September 15, 1942 and in compliance with the Act of October 2, 1942. 2. In establishing, maintaining or adjusting maximum prices for agricultural commodities or for commodities processed or manufactured in whole or in substantial part from any agricultural commodity, appropriate deductions shall be made from parity price or comparable price for payments made under the Soil Conservation and Domestic Allotment Act, as amended, parity payments made under the Agricultural Adjustment Act of 1938, as amended, and governmental subsidies. 3. Subject to the directives on policy of the Director, the price of agricultural commodities shall be established or maintained or adjusted jointly by the Secretary of Agriculture and the Price Administrator; and any disagreement between them shall be resolved by the Director. The price of any commodity manufactured or processed in whole or in substantial part from an agricultural commodity shall be established or maintained or adjusted by the Price Administrator, in the same administrative manner provided for under the Emergency Price Control Act of 1942. 4. The provisions of sections 3(a) and 3(c) of the Emergency Price Control Act of 1942 are hereby suspended to the extent that such provisions are inconsistent with any or all prices established under this Order for agricultural commodities, or commodities manufactured or processed in whole or in substantial part from an agricultural commodity."

Executive Order 9334

8 F. R. 5423

War Food Administration

Executive Order No. 9322 of March 26, 1943, entitled "Centralizing and Delegating Authority with Respect to the Production and Distribution of Food," is hereby amended to read as follows:

"By virtue of the authority vested in me by the Constitution and the statutes of the United States, particularly by the First War Powers Act, 1941, as President of the United States and Commander in Chief of the Army and Navy, and in order to assure an adequate supply and efficient distribution of food to meet war and essential civilian needs, it is hereby ordered as follows:

"Sec. 1. The Food Production Administration (except the Farm Credit Administration), the Food Distribution Administration, the Commodity Credit Corporation, and the Extension Service, together with all their powers, functions, and duties, are hereby consolidated within the Department of Agriculture into a War Food Administration, to be administered under the direction and supervision of a War Food Administrator. The Administrator shall be appointed by the President and shall be directly responsible to him.

"Sec. 2. All powers, functions, and duties of the Secretary of Agriculture (a) under Executive Order No. 9280 of December 5, 1942, (b) under Title IV of Executive Order No. 9250 of October 3, 1942, (c) which relate to labor and manpower under orders of the Economic Stabilization Director or the Chairman of the War Manpower Commission, (d) which relate to or which have heretofore been exercised through or in connection with the agencies, including corporations, consolidated by section 1 of this order, and (e) which relate to personnel, property, and records transferred by section 3 of this order are transferred to and shall be exercised and performed by the War Food Administrator (in addition to the powers, functions, and duties conferred upon him by Executive Order No. 9328 of April 8, 1943); but the Secretary of Agriculture shall continue as chairman of the inter-departmental committee set up by section 7(a) of Executive Order No. 9280, as a member of the War Production Board as provided in section 7b of Executive Order No. 9280, and as the American representative on the Combined Food Board. The War Food Administrator shall be a member of the said inter-departmental committee, which shall be advisory to him. He shall also be alternate American representative on the Combined Food Board.

"Sec. 3. For use in connection with the exercise or performance of the powers, functions, and duties consolidated and transferred by this order, so much of the unexpended balances of appropriations, allocations, and other funds available to the Department of Agriculture for such purposes, as the Director of the Bureau of the Budget shall determine, and all of the personnel, property, and records used primarily in the administration of such powers, functions, and duties, are hereby transferred to the War Food Administration.

"Sec. 4. In addition to the powers and authority granted by this order, and in order to carry out its purposes, the Secretary of Agriculture and the War Food Administrator, to the extent necessary to enable them to perform their respective duties and functions, shall each have authority to exercise any and all of the powers vested in the other by statute or otherwise; and the exercise of any such power by either of them shall be deemed to be authorized and in accordance with this order, and shall not be subject to challenge by any third party affected by the exercise of the power on the ground that the action taken was within the jurisdiction of the Secretary of Agriculture rather than the War Food Administrator, or vice versa.

"Sec. 5. Any provision of any Executive order or proclamation conflicting with this Executive order is superseded to the extent of such conflict. All prior directives, rules, regulations, orders, and similar instruments heretofore issued by any Federal agency relating to matters concerning which authority is vested in the War Food Administrator by this order shall continue in full force and effect unless and until modified or revoked by orders or directives issued by or under the direction of the War Food Administrator pursuant to authority vested in him."

/s/ FRANKLIN D. ROOSEVELT

The White House,
April 19, 1943.

EXECUTIVE ORDER 9380

Foreign Economic Administration

By virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States, and Commander in Chief of the Army and Navy, and in order to unify and consolidate governmental activities relating to foreign economic affairs, it is hereby ordered as follows:

1. There is established in the Office for Emergency Management of the Executive Office of the President the Foreign Economic Administration (hereinafter referred to as the Administration), at the head of which shall be an Administrator.

2. The Office of Lend-Lease Administration, the Office of Foreign Relief and Rehabilitation Operations, the Office of Economic Warfare (together with the corporations, agencies, and functions transferred thereto by Executive Order No. 9361 of July 15, 1943), the Office of Foreign Economic Coordination (except such functions and personnel thereof as the Director of the Budget shall determine are not concerned with foreign economic operations) and their respective functions, powers, and duties are transferred to and consolidated in the Administration.

3. The Administrator may establish such offices, bureaus, or divisions in the Administration as may be necessary to carry out the provisions of this order, and may assign to them such of the functions and duties of the offices, agencies and corporations consolidated by this order as he may deem desirable in the interest of efficient administration.

4. The powers and functions of the Administration shall be exercised in conformity with the foreign policy of the United States as defined by the Secretary of State. As soon as military operations permit, the Administration shall assume responsibility for and control of all activities of the United States Government in liberated areas with respect to supplying the requirements of and procuring materials in such areas.

5. All the personnel, property, records, funds (including all unexpended balances of appropriations, allocations, or other funds now available), contracts, assets, liabilities, and capital stock (including shares of stock) of the offices, agencies and corporations consolidated by paragraph 2 of this order are transferred to the Administration for use in connection with the exercise and performance of its functions, powers, and duties. In the case of capital stock including shares of stock, the transfer shall be to such agency, corporation, office, officer or person as the Administrator shall designate.

The Administrator is authorized to employ such personnel as may be necessary in the performance of the functions of the Administration and in order to carry out the purposes of this order.

6. No part of any funds appropriated or made available under Public Law 139, approved July 12, 1943, shall hereafter be used directly or indirectly by the Administrator for the procurement of services, supplies, or equipment outside the United States except for the purpose of executing general economic programs or policies formally approved by a majority of the War Mobilization Committee in writing filed with the Secretary of State prior to any such expenditure.

7. All prior Executive Orders in so far as they are in conflict herewith are amended accordingly. This order shall take effect upon the taking of office by the Administrator, except that the agencies and offices consolidated by paragraph 2 hereof shall continue to exercise their respective functions pending any contrary determination by the Administrator.

Franklin D. Roosevelt

The White House
September 25, 1943

EXHIBIT E

Executive Order 9385

8 F. R. 13783

Foreign Food Procurement and Development

By virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order further to unify and consolidate governmental activities relating to foreign economic affairs, it is hereby ordered as follows:

1. The functions of the War Food Administration and the Commodity Credit Corporation with respect to the procurement and development of food, food machinery, and other food facilities, in foreign countries, are transferred to and consolidated in the Foreign Economic Administration to be administered in accordance with the provisions of Executive Order No. 9380 of September 25, 1943.
2. The personnel, records, property, funds, contracts, assets, and liabilities of the Commodity Credit Corporation, determined by the Director of the Bureau of the Budget to be primarily concerned with the functions transferred to the Foreign Economic Administration by this order, shall be transferred, on such date or dates as the Director of the Bureau of the Budget shall determine, to the Foreign Economic Administration or to such subdivisions or corporations thereof as the Administrator of the Foreign Economic Administration shall designate.
3. Except as otherwise provided in this order, the procurement of food, food machinery, and other food facilities in foreign countries, by the Foreign Economic Administration, shall be performed consistently with directives issued to such Administration by the War Food Administrator with respect to food for human or animal consumption and by the War Food Administrator and the Chairman of the War Production Board jointly with respect to food for industrial uses. The War Food Administrator, or the War Food Administrator and the Chairman of the War Production Board jointly, as the case may be, may (1) set forth in such directives the quantities, specifications, priorities, and times and places of delivery relating to such procurement, and (2) append to such directives suggestions as to sources and prices relating to such procurement. The Administrator of the Foreign Economic Administration may from time to time advise the War Food Administrator, the Chairman of the War Production Board, and the Director of War Mobilization as to circumstances affecting procurement

under such directives and as to steps which the Administrator of the Foreign Economic Administration deems will promote effective procurement by the Foreign Economic Administration of food, food machinery, and other food facilities in foreign countries for the purposes of the War Food Administration or the War Production Board.

4. (a) Nothing in this order shall authorize the War Food Administrator or the Chairman of the War Production Board to issue directives to the Foreign Economic Administration with respect to (1) the procurement and development of food, food machinery, and other food facilities in foreign countries for use in foreign countries, and (2) the preclusive procurement of foreign food, food machinery, and other food facilities vital to the enemy either for military or civilian needs.

(b) The provisions of this order shall not affect the existing authority of the War Food Administrator or of the War Production Board with respect to priorities and allocations, or to define general policies, subject to the authority of the Office of War Mobilization under paragraph 4 of Executive Order No. 9361 of July 15, 1943, with respect to the procurement and development of food, food machinery, and other food facilities in foreign countries for use in foreign countries.

5. As used in this order, (1) the word "food" shall have the meaning set forth in paragraph 10 of Executive Order No. 9280 of December 5, 1942, exclusive of sugar produced in the Caribbean area, and (2) the words "foreign countries" shall be deemed to exclude the Dominion of Canada.

6. All prior Executive orders and directives insofar as they are in conflict herewith are amended accordingly. This order shall take effect immediately except that the War Food Administration and the Commodity Credit Corporation shall continue to exercise their respective functions transferred under paragraph 1 of this order until such date or dates as the Administrator of the Foreign Economic Administration shall determine.

/s/ FRANKLIN D. ROOSEVELT

The White House,
October 6, 1943.

Exhibit F

EXECUTIVE ORDER 9392
8 F. R. 14783

AMENDMENT OF EXECUTIVE ORDER 9334 ENTITLED
"WAR FOOD ADMINISTRATION"

By virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, Section 2 of Executive Order 9334 of April 19, 1943 entitled "War Food Administration" is hereby amended to read as follows:

Sec. 2. All powers, functions, and duties of the Secretary of Agriculture (a) under Executive Order No. 9280 of December 5, 1942,^{1/} (b) under Title IV of Executive Order No. 9250 of October 3, 1942,^{2/} (c) which relate to labor and manpower under orders of the Economic Stabilization Director or the Chairman of the War Manpower Commission, (d) which relate to or which have heretofore been exercised through or in connection with the agencies, including corporations, consolidated by section 1 of this order, and (e) which relate to personnel, property and records transferred by section 3 of this order, are transferred to and shall be exercised and performed by the War Food Administrator (in addition to the powers, functions, and duties conferred upon him by Executive Order No. 9328 of April 8, 1943^{3/}). The War Food Administrator shall be the Chairman or shall designate the Chairman of the interdepartmental committee set up by section 7(a) of Executive Order No. 9280, and shall be the United States member of the Combined Food Board. The War Food Administrator may designate a representative to serve as his deputy on the Combined Food Board. The War Food Administrator and the Secretary of Agriculture shall continue as members of the War Production Board.

/s/ FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
October 28, 1943

^{1/} 7 F. R. 10179.

^{2/} 7 F. R. 7871.

^{3/} 8 F. R. 4681.

February 4, 1943

AGREEMENT BETWEEN THE WAR PRODUCTION BOARD AND
THE DEPARTMENT OF AGRICULTURE CONCERNING THE
ISSUANCE AND THE PROCEDURE GOVERNING THE AD-
MINISTRATION OF ALLOCATION ORDERS RELATING TO
FATS AND OILS

In order to implement the provisions of Executive Order No. 9280 of December 5, 1942, and the determination thereunder by the Assistant Director of the Bureau of the Budget of January 8, 1943, transferring the Fats and Oils Section of the Chemicals Division of the War Production Board to the Department of Agriculture, the following agreement concerning the issuance of and the principles governing the administration of allocation orders relating to fats and oils is now entered into:

1. Orders Now Outstanding. All War Production Board orders which heretofore have been administered in the Fats and Oils Section of the Chemicals Division of the War Production Board will be reissued over the signature of the Secretary of Agriculture and will be administered in the Department of Agriculture, except that War Production Board orders M-188 (Petroleum Sulfonates) and M-258 (Mineral Oil Polymers) will not be so reissued and will continue to be administered in the War Production Board.

2. New Orders. (a) Pertaining to Oils Exclusively for Food Uses. New orders pertaining to oil used exclusively for food purposes shall be initiated by the Department of Agriculture and shall be issued by the Secretary of Agriculture. Before the Department of Agriculture submits any such proposed order to the Secretary for signature, the War Production Board will be notified of the intention to issue the order, in accordance with the procedure now obtaining for the clearance of Department of Agriculture orders with the War Production Board.

(b) Pertaining to Oils Exclusively or Partially for Industrial Uses. New orders pertaining to oils used exclusively or partially for industrial uses may be initiated by the Department of Agriculture or may be proposed by the War Production Board. Thereafter, the proposed order shall be drafted by the Department of Agriculture for the signature of the Secretary of Agriculture, but, prior to its submission for the Secretary's signature, the Department of Agriculture shall obtain the concurrence of the War Production Board, which will give prompt consideration to all such orders submitted to them for clearance.

(3) Amendments, Supplements, or Revocations of Orders. The provisions of subparagraph (a) and (b) respectively of paragraph 2 above shall be applicable to the procedure relating to amendments, supplements, or revocations of both existing and new orders.

(4) Periodic Allocations of Oils Subject to Orders. Monthly or other periodic allocation meetings will be called and conducted by the Department of Agriculture with representatives of the War Production Board and the various claimant agencies (including ANMB) given opportunities to attend all such meetings. At each such meeting, the allocation to food uses on the one hand, and industrial uses on the other, covering

the appropriate period, of the oil subject to an order will be established and the allocations determined upon at such meeting shall become operative. Also, at such meeting, the allocation, within industrial uses of that portion of the oil allocated for industrial purposes, and the allocations within food uses of that portion of the oil allocated for food purposes, shall be made. In the event of disagreement with respect to the allocation for either industrial or food purposes, the determination of the representative of the War Production Board shall govern with respect to allocation for industrial uses, and the determination of the representative of the Department of Agriculture shall govern with respect to allocation for food uses. Interim requests and appeals will be handled in the same manner at special meetings called for the purpose. The procedures necessary to implement the general principles set forth above shall be agreed upon.

FOR THE WAR PRODUCTION BOARD

/s/ M Lee Marshall

FOR THE DEPARTMENT OF AGRICULTURE

/s/ Robert H Shields

/s/ A.S.
/s/ T.D.K.
/s/ C.M.K.

Approved insofar as affecting previous
determinations made under Executive Order 9280:

/s/ Harold D. Smith
Bureau of the Budget

(Dated: February 4, 1943)

February 12, 1943

Agreement as to the Responsibilities
Of the Department of Agriculture and the
Office of Price Administration in the Rationing of Foods

Under the provisions of Executive Order No. 9280 of December 5 the Secretary of Agriculture is directed to assume full responsibility for the control over the Nation's food program, including the determination of the time, extent, and other conditions of civilian rationing. This clearly makes the Secretary of Agriculture responsible for broad policy determinations in connection with food rationing.

The wording of the Executive Order also clearly indicates that both the OPA and the Department shall participate in the administration of the rationing of foods to civilians. It is therefore important that close and harmonious staff interrelationships exist at all levels in both agencies. Without this joint participation, any specific delineation of responsibilities becomes meaningless and effective coordination of effort is impossible.

In order to effect a working arrangement between the two agencies, the following division of responsibilities is established.

1. Determination of available supplies for civilian and other requirements. The responsibility for determining supplies of foods available for civilian consumption and for allocating supplies accordingly is recognized as the exclusive responsibility of the Department of Agriculture. The OPA shall refer to the Department cases in which the categories of civilian and non-civilian users have not been defined or taken into account. At any time the Office of Price Administration may call to the attention of the Department factors affecting the preparation of civilian supply and requirements estimates.

The Department should indicate the available supplies of foods to the OPA in lump sum terms and valid for as long a period as practicable, consistent with the Department's responsibility for making seasonal and other adjustments in the flow of food supplies.

However, when point rationing is involved, the Department shall break down the total figure in sufficient detail to enable the OPA to establish point values for each commodity or item. In establishing point values the OPA shall keep the Department currently advised of tentative decisions and the Department in turn shall keep the OPA informed of any proposed changes in civilian supply estimates.

OPA shall be responsible for determining the length of time through which specified rationing coupons will be valid.

2. Determination of need for civilian rationing. The Department of Agriculture shall determine whether the limitation upon foods for

civilian use shall be effected through civilian rationing or through some other method of control of distribution, including the allocation of food to dealers. If allocation is determined upon, the Department shall consult with the OPA as to the possible necessity for consumer rationing growing out of ensuing shortages. Before the Secretary of Agriculture decides upon a consumer rationing program, the OPA shall be consulted to determine whether allocation is a possible alternative to achieve the desired result and as to the administrative feasibility of rationing the commodity. Mutual consideration will be given to the matter of timing with other programs as well as the work load of the ration boards.

3. Time and extent of rationing. Responsibility for the determination of the approximate effective date of rationing shall rest with the Department of Agriculture. The specific date, however, shall be fixed by the OPA in accordance with printing and other administrative requirements. The extent of rationing shall include the determination of geographical areas to be covered and the number and kinds of commodities included in the program. These determinations shall be made by the Department after consultation with the OPA as to the administrative considerations involved.

4. General method and other conditions of rationing. The OPA, after consultation with the Department, shall take the initiative and have responsibility for the development of the best methods of civilian rationing. The methods to be adopted shall be submitted to the Department for its approval.

When a rationing program has been undertaken and it develops that available supplies for civilian consumption will be less than originally contemplated, the OPA shall consult with the Department of Agriculture as to the most appropriate method for meeting the shortage, including such matters as the amounts of food available for further food processing as against direct civilian rationing.

With respect to differential rations and eligibility classifications, the Department shall make suggestions to the OPA concerning the administrative policies which are incorporated by the OPA in its rules and regulations. The approximate percentage or amount of food to be made available for specified categories of users developed by the OPA in accordance with the above policies shall be submitted to the Department for its approval prior to their official announcements.

5. Extent of authority of OPA and Agriculture at various levels of distribution. The OPA shall be responsible for and have such authority in the field of civilian rationing as may be necessary to:

- a. Make certain that all uses and transfer of food allotted for civilian use are properly accounted for.
- b. Require reports from any person with respect to compliance with OPA regulations or with respect to the movement of civilian food supplies.

- c. Hear and adjust complaints and appeals arising from OPA orders and regulations.
- d. Enforce all rules and regulations issued by OPA.
- e. The Department shall have complete responsibility for the determination of overall allocations for civilian use and for determining individual processor quotas. The OPA shall have responsibility for directing the flow of rationed commodities within such quotas and allocations from the time the commodity is placed in a form ready for distribution by the processor.

6. Rationing techniques and procedures. The primary responsibility for determining rationing techniques and procedures shall rest upon the OPA. The OPA shall take the initiative in the development of all the forms and instructions required by rationing programs and shall be responsible for the clearance of such forms with the Bureau of the Budget.

7. Industry relations. In order to accomplish the purposes set forth in this memorandum, the OPA may maintain contacts with representatives of processors, wholesalers, and other industry representatives, but shall, so far as practicable, coordinate its procedure for maintenance of industry relationships with that of the Department.

8. Data collection. All inventory and other reports on inventories and movements of food supplies from the wholesaler, retailer, or other intermediate distributors shall be made to the OPA. All information bearing on civilian food distribution relevant to rationing collected by either agency shall be made available freely to the other.

9. Public information on rationing programs. Announcements as to the need for and inauguration of rationing programs shall be made by the Secretary.

The OPA shall have responsibility for developing and transmitting to the public through the press or radio such information regarding rationing programs as may be required for their successful initiation and administration. The OPA and the Secretary agree that, as far as possible, information relating to rationing and other programs dealing with the distribution of foods to civilians shall not be disseminated by one agency prior to its being approved by the other agency.

A continuous effort should be made on the part of each agency to keep the other informed regarding the policies governing publicity and public relations matters.

10. Enforcement, including compliance and enforcement reports. The OPA shall have full responsibility for the enforcement of food rationing and shall recommend to the Department adoption of any procedures or measures which will assist in the enforcement process. In addition, the OPA may require the submission of reports by retailers, wholesalers, and processors which are essential to the enforcement process.

Administrative Arrangements
to Facilitate Inter-Agency Cooperation

1. Food Rationing Policy Committee. As a means of expediting the consideration of matters mutually concerning both agencies, there shall be established a Food Rationing Policy Committee consisting of representatives of the Food Distribution and Food Production Administrations of the Department and the Rationing Department of OPA. It is understood that this committee shall not concern itself with matters clearly delegated to the respective agencies in the foregoing portion of this agreement, but rather shall direct its attention to those problem areas where concern is mutual and joint consideration of policy matters is required. More specifically, the committee would consider: (a) handling of publicity, (b) desirability and feasibility of differential rations, (c) effective handling of industry relations and (d) other coordinate matters.

For the Department

/s/ Claude R. Wickard
Claude R. Wickard, Secretary of Agriculture.

For the Office of Price Administration

/s/ Prentiss M. Brown
Prentiss M. Brown, Administrator

Date: February 12, 1943

EXHIBIT I

February 16, 1943

AGREEMENT BETWEEN WAR PRODUCTION BOARD AND THE DEPARTMENT OF AGRICULTURE CONCERNING COTTON, WOOL, HEMP, AND FLAX

In order to implement the provisions of Executive Order No. 9280 of December 5, 1942, the determinations thereunder by the Director of the Bureau of the Budget of February 15, 1943, and the identical memoranda issued to their respective staffs on December 16 by the Secretary of Agriculture and the Chairman of the War Production Board, interpreting the provisions of the order as they affect the relationships of the Textile Clothing and leather Division, the War Production Board, and the Department of Agriculture, the following agreement concerning cotton, wool, hemp, and flax is now entered into:

1. Cotton

The Department of Agriculture will have jurisdiction over growing, ginning, and compressing of cotton and will also have jurisdiction over the delinting of cotton seed. It will be the claimant for all critical material requirements of the growers and processors of cotton through the ginning, compressing, and delinting operations. In this capacity it will serve as the branch of first reference for all priorities applications for operations enumerated above.

2. Wool

The Department of Agriculture will have jurisdiction over the production of wool up to but not including the scouring and combing operations, which will be controlled by the War Production Board. The Department of Agriculture will be the claimant for all critical material requirements of the wool growers. In this capacity it will serve as the branch of first reference for all priorities applications from the wool growers.

3. Flax and Hemp

The Department of Agriculture will have jurisdiction over the production of flax and hemp up to and including the decortication operation. It will be the claimant for all critical material requirements for these operations. In this capacity, it will serve as the branch of first reference for all priorities applications from the operations enumerated above.

4. Warehousing

The Department of Agriculture will be responsible for critical material requirements, and facilities requirements for any warehouses clearly identifiable as being wholly concerned with the warehousing of the above mentioned fibers.

5. Commodity Allocations

The War Production Board will have full responsibility for, and control over the allocation of cotton, wool, flax, and hemp to industrial users. Furthermore, it will have complete control over the uses to which these fibers may be put.

6. Agreements with Program Bureau and Facilities Bureau

It is agreed that the provisions of Sections 1 through 4, inclusive of this agreement will be incorporated into any procedures established and agreements entered into between the Department of Agriculture and the Program Bureau or the Facilities Bureau of the War Production Board.

7. Scope of the Agreement

It is agreed that these provisions shall go into effect as soon as feasible, notwithstanding agreements still under negotiation in regard to other phases of cotton, wool, flax, and hemp.

FOR THE WAR PRODUCTION BOARD

/s/ M. Lee Marshall

FOR THE DEPARTMENT OF AGRICULTURE

/s/ Robert H. Shields

Dated: February 16, 1943

EXHIBIT J

AGREEMENT BETWEEN THE WAR PRODUCTION BOARD AND THE ADMINISTRATION OF FOOD PRODUCTION AND DISTRIBUTION CONCERNING ORDERS DEALING WITH CONTAINERS FOR FOOD.

In order to implement the provisions of Executive Orders 9280 and 9322, and to establish and determine an effective method for the administration of orders of the War Production Board dealing with containers for food, with respect to the interest of the War Production Board and of the Administration of Food Production and Distribution in such orders, IT IS AGREED:

1. Conservation Order M-81.

(a) Appointment of Administrator - General Powers.

The Administrator of Food Production and Distribution will nominate an employee of the Administration to serve as Administrator of that portion of Conservation Order M-81 relating to food containers, and the War Production Board will thereupon take appropriate action to appoint such nominee as Administrator of that portion of said order. The Administrator so appointed will have complete access to all pertinent records of the Department of Agriculture and the War Production Board necessary to a proper and effective administration of the order. Such Administrator shall be on the payroll of either the Department of Agriculture or the Administration of Food Production and Distribution. The Department or the Administration will supply such Administrator with one secretary. Other assistance to the extent necessary will be supplied by the War Production Board.

(b) Appeals. Appeals under the order shall be referred in all cases where the cans are for food purposes to the Administrator nominated by the Administration of Food Production and Distribution. Such Administrator shall have full authority to grant appeals so referred to him within the limits of materials available for the purpose under applicable Program Determinations and without the necessity of concurrence in such action by an official of the War Production Board. In the event of second appeal, such second appeal shall be referred to the Administration of Food Production and Distribution for reconsideration, and such second appeal may, within the limits of materials above indicated, be granted by the Administration as in the case of first appeals. Any subsequent appeals shall be referred to the Appeals Board of the War Production Board for disposition in accordance with Division Administrative Order No. 13 (Office of Program Vice Chairman) of the War Production Board or other administrative order at the time in force. In each such case, opportunity shall be given to the Administrator concerned before the Appeals Board or other body performing similar functions to present any facts seemed relevant by him or by the Administration of Food Production and Distribution.

(c) Responsibility for Decisions of Administrator. The Administration of Food Production and Distribution shall have and accept full responsibility for all decisions of and actions taken by the Administrator nominated by it, and for all actions taken by any employee of the War Production Board under and pursuant to the direction or authorization of such Administrator.

(d) Amendments and Supplements to Order. The Administration of Food Production and Distribution may initiate any amendments or supplements to the order concerning cans for food purposes provided the same be within the limits of materials available for the purpose under the Program Determination at the time in force. Any such amendments or supplements shall be prepared by the Administration of Food Production and Distribution after consultation with representatives of the Containers Division of the War Production Board to assure the fact that the amendment or supplement will not be inconsistent with general policy of that Division. Thereafter, upon request of the Administration of Food Production and Distribution and subject to approval of the War Production Board as to form, such amendment or supplement will be issued by the War Production Board without further clearance.

(e) Compliance. The War Production Board shall have charge of enforcement of the order. However, any action by the War Production Board in securing compliance in connection with the administration of that portion of the order relating to food containers shall be after consultation with the Administrator of Food Production and Distribution.

2. Other Container Orders.

(a) Appointment of Agricultural Consultants - General Powers
The Food Production and Distribution Administration will name one or more employees of the Administration to serve as Agricultural Consultants in connection with the administration of all other Containers Division orders dealing with containers for food. The Agricultural Consultants so appointed will have complete access to all pertinent records of the Department of Agriculture and the War Production Board necessary to a proper and effective performance of their functions. The Agricultural Consultants shall be kept currently informed as to all general problems and policies of administration under the orders to the extent they involve the use of containers for food purposes.

(b) Appeals. The Director of the Containers Division of the War Production Board will establish within the Division one or more Appeals Committee for the purpose of hearing and granting or denying appeals involving containers for food. In the selection of each such Appeals Committee, not less than one member shall be an Agricultural Consultant named by the Administration of Food Production and Distribution. Appeals under any order shall be referred in all cases where the containers are for food purposes to the appropriate Appeals Committee so established. The Appeals Committee shall have full authority to grant appeals so referred within the limits of materials available for the purpose under Program Determinations. In the event of second appeal, the appeal shall be referred to the Appeals Board of the War Production Board for disposition in accordance with Division Administrative Order No. 13 (Office of Program Vice Chairman) of the War Production Board or other administrative order at the time in force. In each such case, opportunity shall be given to the Agricultural Consultant concerned before the Appeals Board or other body performing similar functions to present any facts deemed relevant by him or by the Administration of Food Production and Distribution.

(c) Responsibility for Actions of Agricultural Consultants.

The Administration of Food Production and Distribution shall have and accept full responsibility for all decisions of and actions taken by the Agricultural Consultants named by it; and for all actions taken by any employee of the War Production Board under and pursuant to the direction or authorization of such Agricultural Consultants.

(d) Amendments and Supplements to Existing and New Orders.

The Containers Division of the War Production Board will initiate and prepare any new orders and any amendments or supplements to existing or new orders of that Division, except Conservation Order M-81. Any such new orders, amendments or supplements will be cleared in accordance with existing procedures of the War Production Board, provided, however, that upon special request of the Administration of Food Distribution and Production in the case of an emergency, any amendment or supplement to Conservation Order M-104 relating to closures for food containers will be cleared and issued in the manner provided in paragraph 1(d) for amendments and supplements to Conservation Order M-81.

3. Requirements Committee. In any instance in which the amendment of an order or the granting of an Appeal for containers for food purposes has the apparent effect of presently exceeding the limits of materials made available for food purposes, the Administration of Food Production and Distribution may seek, through customary procedures, to secure the allocation by the Requirements Committee of additional critical materials for food uses.

(s) Douglas C. Townson
For the War Production Board
Assistant Food Consultant
to the Chairman

Dated: April 12, 1943.

Initialed by:
D. A. Fitzgerald
R. A. Palin
C. W. Kitchen
W. G. Meal
Merritt Green
E. A. Meyer
K. W. Berkey
G. E. Cooper

(s) Robert H. Shields
For the Administration of
Food Production and
Distribution

May 17, 1943

Memorandum of Understanding between the
War Food Administration, United States Armed Forces,
and Office of Price Administration, with regard to the
Formation and Operation of the War Meat Board

1. Reasons why a War Meat Board is needed.

The Administration of wartime regulations of the livestock and meat industry involves the most difficult and complex of all the food problems encountered thus far in the war effort. This is due to several factors, the most important of which are:

- (1) The industry is widely decentralized. Livestock is produced and processed in all sections of the United States, and meat is a basic part of the human diet in all sections of the country. While there is a large movement of livestock from surplus-producing areas to the large primary markets where the livestock is slaughtered and the meat processed and distributed to the large consuming and deficit-producing areas, the fact remains that in practically every county of the United States livestock is produced, slaughtered, and the meat consumed locally. This wide geographical distribution of the functions of the industry adds greatly to the complexities of adequate government controls.
- (2) There is a wide variation both by seasons and by areas in the movement of livestock to market. There is also a wide variation in demand by seasons and by areas.
- (3) Meat is perishable and must be moved into consumption quickly. This calls for an administrative control that is flexible and can act quickly.
- (4) Heretofore, the interaction of supply and demand factors has resulted in a satisfactory movement of meat supplies from surplus areas to deficit areas. The substitution of man-made regulations for economic law, however, has resulted in the creation of black markets, the price squeeze on slaughterers, difficulties in procuring requirements for the Armed Forces and Lend-Lease, and maldistribution among civilians. All of these difficulties are traceable to the lack of balance between demand and supply.

Governmental programs are under way for correcting this condition. These programs include: (1) the consumer meat rationing program; (2) the slaughter permit and restriction program; (3) uniform dollars and cents retail price ceilings. However, in order to effectuate these programs, a continuing, close coordination of the activities of the governmental agencies in administering these controls, in making meat available for civilians, and in procuring meat is essential. The War Meat Board, the functions of which are described below, is to be established by the undersigned agencies to accomplish the necessary coordination and in order that the various governmental activities with respect to meat can be conducted with the speed and facility that are so essential in bringing about the proper balance of the available supply of meat and civilian, military, and other requirements.

2. Functions of the War Meat Board.

The War Meat Board shall promote the coordination of the Consumer Rationing Program and the governmental meat procurement programs from day to day and from week to week, in such a way as to keep the total demand for meat in balance with the available supply. The Board shall consider and determine the action it regards as necessary or advisable in dividing and distributing the national meat supply, in accordance with policies of the allocating agency in Washington, (1) to assure proper distribution of meat so that adequate supplies will be available to meet the demand under the Rationing Program; (2) to provide the Armed Forces with its allocated quantities of meat where and when needed; (3) to provide other exempt governmental agencies with their requirements, taking into account the total quantity of meat available from day to day and from week to week, as ascertained by the War Meat Board.

After the determination of the action deemed necessary or advisable to achieve the objectives outlined above, the Board, through its chairman, shall recommend such action to the appropriate member of the Board representing the agency responsible for such action. If such member concurs in the recommendation, he shall take such steps as are necessary to put the recommendation into effect, acting under the authority delegated to him by the agency which he represents.

Quarterly and yearly requirements of meat by the various elements of demand and firm commitments to recipients of lend-lease aid will continue to be determined by the allocating and other agencies in Washington. An objective of the War Meat Board will be to translate this allocation in terms of actual supplies, and to recommend such revisions in the quarterly and yearly allocations as prove to be necessary due to errors in these long-time estimates.

3. Organization of the War Meat Board.

The War Meat Board, composed of representatives of the various governmental agencies dealing with the livestock and meat problems, shall be located at Chicago, Illinois. The members of the Board shall be the following:

A chairman, who will be an authorized representative of the War Food Administrator.

A representative of the United States Armed Forces.

A representative of the War Food Administration responsible for other governmental purchases of meats.

A representative of the Food Rationing Division of the Office of Price Administration.

A representative of the Food Price Division of the Office of Price Administration.

A manager of pork supplies.

A manager of beef supplies.

A manager of veal, lamb, and mutton supplies.

A manager of canned meat supplies.

4. Authority and duties of the members of the War Meat Board.

The authority and duties of the individual members of the War Meat Board shall be as follows:

The Chairman. The chairman of the War Meat Board shall be appointed by the War Food Administrator, with full authority to act for the War Food Administrator in conducting the operations of the Board. The chairman or his authorized representative shall preside at all meetings of the Board and shall direct the activities of the Board consistently with policies set forth in this memorandum, and for taking appropriate steps to further the execution of action which the Board determines should be taken. He shall have the authority to employ and give general supervision to such personnel as is necessary to conduct the operations of the Board.

Representative of the United States Armed Forces. Inasmuch as most of the meat requirements of the Armed Forces are purchased by the United States Army, the representative of the Armed Forces shall be appointed by the Quartermaster General and shall be given full power to act for the Quartermaster General in carrying out the responsibilities and duties of this representative on the Board. The duties shall include (1) providing full information to the War Meat Board of the meat requirements of the Armed Forces by weeks and months and by kinds and grades of meat; (2) supplying the Board with detailed information of actual purchases for the Armed Forces by weeks and by months and by kinds and grades of meat. He shall report to the Board as frequently as is necessary the difficulties that are being encountered in procuring meat for the Armed Forces, and participate in the deliberations of the Board in deciding the steps that should be taken to remove these difficulties. He shall participate in all other studies and deliberations of the Board in the performance of its functions; (3) he shall be authorized to issue instructions to the meat procurement officers of the Army as to the policies and procedures to be followed in purchasing meats for the Armed Forces, in order that these purchasing activities may be kept in complete harmony with the actions taken and recommendations made by the Board.

Representative of the War Food Administration responsible for other governmental purchases of meats. This representative shall be appointed by the War Food Administrator and shall have delegated to him such authority as is necessary to perform his functions as a member of the Board. His duties shall include providing the Board with information as to the meat requirements of the other governmental agencies by weeks and months and by kinds and grades of meat, and shall report actual purchases by weeks and months and by kinds and grades of meat. He shall present to the Board the difficulties encountered in procurement of the kinds of meat required, and participate in the studies and deliberations of the Board in determining the steps that should be taken to alleviate these difficulties, or any other difficulties with respect to the proper division of meat supplies among the various elements of demand. He shall be authorized to instruct the procurement representatives of the War Food Administration as to the procedures and policies to be followed in purchasing meats for Lend-Lease and other governmental agencies, except the

Armed Forces, in order that these activities will be conducted in complete harmony with the actions taken and recommendations made by the War Meat Board.

Representative of the Food Rationing Division of the Office of Price Administration. This representative shall be appointed by the Administrator of the Office of Price Administration, and shall be empowered to act for the Director of the Food Rationing Division, and have delegated to him such authority as is necessary to effectively perform his functions as a member of the War Meat Board. He shall have authority to act for the Director of the Food Rationing Division of the Office of Price Administration with respect to the recommendations of the Board. Other duties of this representative shall include advising the Board of the requirements of meat to meet civilian demand under the rationing program. He shall report to the Board any difficulties being encountered in the rationing program which can be alleviated by action of the Board, and shall participate in the studies and deliberations of the Board in determining the steps that should be taken to alleviate these difficulties or any other difficulties with respect to the proper division of supplies among the various elements of demand.

Representative of the Price Division of the Office of Price Administration. This representative shall be appointed by the Administrator of the Office of Price Administration, and shall be empowered to act for the Director of the Food Price Division in carrying out his functions as a member of the War Meat Board. He shall be a responsible officer of the Office of Price Administration, and shall be authorized to act on matters of price policy coming before the Board, consistent with the general policies of the Office of Price Administration. This shall include authority to act for the Director of the Food Price Division with respect to the recommendations of the Board. He shall participate in the studies and deliberations of the Board in determining the steps that should be taken to eliminate difficulties with respect to the proper division of supplies among the various elements of demand.

Manager of pork supplies. The manager of pork supplies shall be appointed by the War Food Administrator. It shall be the duty of this representative to keep the Board constantly informed as to pork products during the preceding week, and prospective production in the weeks and months ahead. He shall advise the Board of the inventory position of the industry, the kinds of pork, and by areas. He shall keep in constant touch with the physical movement of pork products and all cases of maldistribution which are found anywhere in the country. He shall also keep in constant touch with markets in all sections of the country, and keep the Board advised as to the price situation of live hogs and wholesale and retail prices of pork products. He shall actively participate in the studies conducted by the Board in determining the action it regards necessary or advisable to effectuate a proper distribution of pork products within the civilian trade, to bring about the desired division of pork supplies among the various elements of demand listed

in Section 2, to keep total demand in balance with total supplies, in a manner that is deemed necessary to maintain prices of hogs and pork products at the desired levels.

The manager of beef supplies, the manager of veal, lamb, and mutton supplies and the manager of canned meat supplies shall be appointed by the War Food Administrator, and their duties with respect to the products assigned to them shall be the same as those outlined for the manager of pork supplies.

5. Methods of Operation of the War Meat Board.

Members of the War Meat Board shall be provided with offices in the same building in Chicago, and will be provided with the necessary physical facilities and personnel to perform their functions. The Board shall meet regularly on Monday of each week, first, to ascertain as accurately as possible the supply of meat available for the various elements of demand for the current week, and second, to determine the courses of action that shall be followed in the division of the national meat supply among these various elements. The Board also shall have such additional meetings during the week as the chairman deems necessary in meeting the problems that arise, and in order to generally carry out the responsibilities of the Board.

The Board shall have the authority, through its chairman, to call in at any time representatives of livestock producers, marketing interests, meat packers, retailers, or other representatives of the industry to serve as advisers to the Board in the conduct of its operations. The Board also shall, through its chairman, request the counsel or assistance of representatives of the various governmental agencies to advise and assist the Board in the performance of its functions.

For the Armed Forces

(signed) E. B. Gregory
Quartermaster General

For the Office of Price Administration

(signed) Prentiss M. Brown
Administrator

For the War Food Administration

(signed) Chester C. Davis
Administrator

June 21, 1943

AMENDMENT TO

AGREEMENT BETWEEN WAR PRODUCTION BOARD AND THE DEPARTMENT OF
AGRICULTURE CONCERNING COTTON, WOOL, HEMP, AND FLAX

Paragraph No. 1 entitled "Cotton" of the Agreement between the War Production Board and the Department of Agriculture concerning Cotton, Wool, Hemp, and Flax, dated February 16, 1943, is hereby amended to read as follows:

1. Cotton

The Department of Agriculture will have jurisdiction over growing, ginning, and compressing of cotton and will also have jurisdiction over the facilities for the delinting of cotton seed. It will be the claimant for all critical material requirements of the growers and processors of cotton through the ginning, compressing, and delinting operations. In this capacity it will serve as the branch of first reference for all priorities applications for operations enumerated above. The War Production Board shall continue to initiate programs and to supervise the quantities and qualities, and the allocation and distribution of that part of the linter production to be used for "chemical cotton pulp", and in exercising such supervision will consult with the Department of Agriculture.

FOR THE WAR PRODUCTION BOARD

/s/ J. E. Krug

FOR THE WAR FOOD ADMINISTRATION

/s/ Jesse W. TappDated June 21, 1943

July 1, 1943

AGREEMENT BETWEEN WAR PRODUCTION BOARD AND WAR FOOD ADMINISTRATION
CONCERNING VITAMINS

in order to implement the provisions of Executive Order No. 9280 of December 5, 1942, and the determinations thereunder by the Director of the Bureau of the Budget of February 23, 1943, and the following agreement concerning Vitamins is now entered into:

1. Definitions

Vitamins for Food Fortification

For the purpose of this agreement vitamins for food fortification shall be considered any vitamins which are incorporated in foods. Foods as herein used means foods for human and animal consumption.

Pharmaceutical Vitamins

For the purpose of this agreement pharmaceutical vitamins, other than vitamins for food fortification shall be considered any vitamins contained in standard dosage forms, such as liquids, pellets, tablets, ampules, or any other form or shape.

2. Production

The War Production Board will be responsible for the production and processing of vitamins.

3. Reports

The War Production Board will furnish the War Food Administration within 15 days after the end of the applicable allocation period or at such time as may be agreed upon between the War Production Board and the War Food Administration with data relative to the production facilities and supplies of the vitamin industry for which the War Production Board has responsibility.

4. Claimant Agency

The War Production Board will be the sole claimant agency for the critical material requirements in the repair, maintenance and expansion of the vitamin industry for whose production it is responsible.

5. Priority Assistance

The Vitamin Unit, Drug and Cosmetics Section, Chemical Division of War Production Board will serve as a branch of first reference to pass upon the essentiality of all applications for priorities assistance from the producers of vitamins.

However, the War Food Administration will serve in this capacity for those applications from the fishing industry when the end use of the material and/or equipment requested is for food producing or processing purposes. In cases where the end use is for vitamin production or processing purposes, the War Production Board will serve as heretofore set forth.

6. Orders

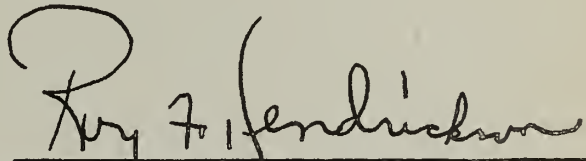
- a. The War Food Administration will be responsible for issuing any orders pertaining to the use of vitamins in the fortification of food.
- b. The War Production Board will be responsible for issuing all orders for the purpose of allocating, distributing or otherwise controlling the supply of vitamins. The War Production Board will submit to the War Food Administration for its approval all proposed orders on vitamins. The War Food Administration may make recommendations to the War Production Board concerning the issuance or amendment of any vitamin order to insure that such orders conform with the over-all allocations approved by the War Food Administrator.

7. Requirements and Allocations

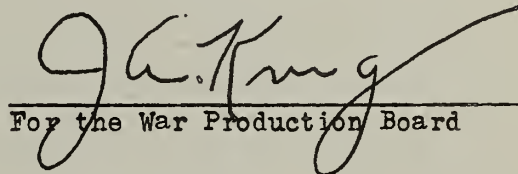
- a. Allocations of vitamins to claimants will be made by the War Food Administrator in accordance with the general provisions of Memorandum No. 1068, dated January 26, 1943, except that the provisions of paragraph 3 of this agreement shall apply in regard to determination of supply.
- b. The War Production Board will be responsible for the distribution of Vitamins to the various users of vitamins. Such distribution will conform with the over-all allocation approved by the War Food Administrator.
- c. The War Production Board will furnish the War Food Administration within 15 days after the end of the applicable allocation period, or at such time as may be agreed upon between the War Production Board and the War Food Administration, a report of the allocations made pursuant to any vitamin order or allocation. These reports will show such information as may be agreed upon between the War Production Board and the War Food Administration.
- d. The War Food Administration will have representation on the War Production Board Chemicals Division Requirements Committee's Sub-Committee on Drugs.
- e. The War Production Board will have representation on the War Food Administration Inter-agency Commodity Committee, and Inter-Agency Food Allocation Committee for the purpose of considering the allocation of vitamins under this agreement.

8. Information

In recognition of the respective responsibilities of the War Production Board and the War Food Administration in connection with vitamins, and, in order to effectively discharge such responsibilities, each of the said agencies agrees that it will furnish to designated representatives of the other all information as may be requested, from time to time, by such representatives.



For the War Food Administration



For the War Production Board

Date July 1, 1943

WAR FOOD ADMINISTRATION
Washington

Office of the Administrator

February 3, 1944

REVISED MEMORANDUM OF UNDERSTANDING BETWEEN THE WAR FOOD
ADMINISTRATION, UNITED STATES ARMED FORCES, AND OFFICE OF
PRICE ADMINISTRATION WITH REGARD TO THE FORMATION AND
OPERATION OF THE FRUIT AND VEGETABLE PROCUREMENT BOARD1. Reasons for the establishment of the Fruit and Vegetable Procurement Board

Fruits and vegetables represent one of the most difficult commodities or groups of commodities to control due to (1) their perishability, (2) their seasonability of production, (3) the numerous outlets through which they can be sold, and (4) the geographical dispersion of the producing areas. Inasmuch as requirements for fruits and vegetables for governmental agencies are large and represent one of the highest priority food needs for these agencies, it is imperative that there be established some mechanism through which quick action and recommendations for action on problems affecting procurement may be made.

The Board would be a continuously operating agency of the Inter-Agency Food Procurement Committee and when necessary it would bring problems to that committee for consideration.

2. Functions of the Fruit and Vegetable Procurement Board

The functions of the Fruit and Vegetable Procurement Board shall be as follows:

- (a) To coordinate governmental procurement programs for all fruits and vegetables--canned fruit and vegetable juices, fresh, canned, dehydrated and frozen fruits and vegetables.
- (b) To develop immediately a complete summary of total governmental procurement requirements for those fruits and vegetables considered by the Board to be of significant importance.
- (c) To recommend all necessary administrative action to the Quartermaster General and the War Food Administrator needed to carry out the procurement schedule as designed, or as later modified by changes in production or distribution conditions. This would include, but not be limited to, recommendations for modifications of existing governmental regulations, and, in addition, recommendations pointed towards securing action needed to correlate properly fresh fruit and vegetable purchases with the needs of canners, dehydrators, and freezers holding governmental contracts.

2-Exhibit N

- (d) To develop and recommend procedures for the administration of coordinated priority programs.

3. Organization of the Fruit and Vegetable Procurement Board

The Fruit and Vegetable Procurement Board shall be composed of the following representatives:

- (a) The chairman, who will be an authorized representative of the Office of Distribution of the War Food Administration.
- (b) A representative of the United States Armed Forces.
- (c) A representative of the Office of Price Administration.

4. Authority and duties of the members of the Fruit and Vegetable Procurement Board.

The authority and duties of the individual members of the Fruit and Vegetable Procurement Board shall be as follows:

- (a) The Chairman of the Board shall preside at all meetings and shall be responsible for directing the activities of the Board in accordance with the policies set forth in this memorandum and for taking appropriate steps to further the execution of the actions taken or the recommendations given by the Board. He shall have the authority to call such meetings as he deems appropriate and to supervise such personnel as is assigned to the Board. He may appoint a Deputy Chairman to act in his place and stead in the event of his absence.
- (b) Representative of the United States Armed Forces. Inasmuch as most of the fruit and vegetable requirements of the armed forces are purchased by the United States Army, the representative of the armed forces shall be appointed by the Quartermaster General with full authority to act for the Quartermaster General in carrying out the responsibilities and duties of this representative on the Board. The representative shall provide full information to the Fruit and Vegetable Procurement Board of the fruit and vegetable requirements of the armed forces at such times and in such form as the Board may determine. He shall report to the Board the difficulties that are encountered in procuring fruits and vegetables for the armed forces and participate in the deliberations of the Board in deciding the steps to be taken to eliminate these difficulties. He shall participate in all other studies and deliberations of the Board in the performance of its functions.
- (c) Representative of the Office of Price Administration. This representative shall be appointed by the Administrator of the Office of

Price Administration and shall be empowered to act for the Director of the Food Price Division in carrying out his functions as a member of the Fruit and Vegetable Procurement Board. He shall be authorized to direct compliance activities of field offices of the Office of Price Administration with respect to existing price regulations covering fruits and vegetables. He shall have authority to make recommendations to the Director of the Food Price Division with respect to modifications of price regulations or with regard to the issuance of additional regulations when the Board agrees as to the necessity for such action. He shall participate in the studies and deliberations of the Board in the performance of its functions.

5. Methods of operation of the Fruit and Vegetable Procurement Board

- (a) Meetings - The Board shall hold meetings as regularly as is necessary in the opinion of the Board to carry out its functions. Meetings shall be held in Washington, D. C.; Chicago, Illinois; or such other places as the Board deems necessary.
- (b) The Board shall appoint a Secretary who shall be assigned the primary duty of coordinating and expediting the meeting and activities of the Board, and who shall devote his full time to these duties.

6. Administered priorities systems

It is agreed that priorities will be issued in a coordinated manner and in accordance with the following principles:

- (a) The Board shall have the duty of recommending the application of priorities to any fruits or vegetables when the Board considers such action appropriate.
- (b) The power to authorize the use of priorities is vested in the Director of Food Distribution, under Food Distribution Regulation No. 1, as amended.
- (c) When the recommendation of the Board to use priorities on any fruits or vegetables has been approved by the Director of Food Distribution, it shall be the duty of the Board to administer the application of priorities among procurement agencies, geographically, and throughout the season, in such fashion as to eliminate overlapping between governmental agencies and as to interfere as little as possible with a regular flow of fruits and vegetables through non-priority channels.

7. The Board shall be authorized to set up local, sectional, or national advisory committees of growers, shippers, and distributors for the purpose of assisting the Board in its deliberations and activities.

8. Recommendations of the Board

After the determination of the action deemed necessary or advisable to achieve the objectives outlined above, the Board, through its Chairman, shall recommend such action to the appropriate member of the Board representing the agency responsible for such action. If such member concurs in the recommendation, he shall take such steps as are necessary to put the recommendation into effect, acting under the authority delegated to him by the agency which he represents.

9. Exchange of information

The participating agencies agree to make available to the Board all data, information, and procurement documents which the Board deems necessary in carrying out its functions and duties.

10. Earlier Memorandum of Understanding superseded

This revised memorandum of understanding supersedes the memorandum approved on November 15, 1943.

For the Armed Forces:

/s/ E. B. Gregory
Quartermaster General

For the Office of Price Administration:

/s/ Chester Bowles
Administrator

For the War Food Administration:

/s/ Marvin Jones
Administrator

February 3, 1944

June 11, 1943

AGREEMENT BETWEEN THE WAR PRODUCTION
BOARD AND THE WAR FOOD ADMINISTRATION
WITH RESPECT TO REQUISITIONING

In order to implement the provisions of Executive Orders 9280, 9322, and 9334, and to establish an effective method for the exercise of the requisitioning powers of the War Production Board (hereinafter referred to as WPB), and the War Food Administration (hereinafter referred to as Administration), with respect to food and non-food commodities, IT IS AGREED:

1. Definition. "Food" as herein used shall have the same definition as that given in Executive Order 9280.

2. Applicability of Regulations.

(a) With respect to the requisitioning of non-food commodities and food not capable of being eaten or drunk, regulations issued by WPB will be applicable. However, before authorizing any requisitioning of any such commodity over which the Administration is exercising control (such as farm machinery, certain fats and oils, etc.), WPB will consult with the Administration prior to authorizing such requisitioning.

(b) With respect to the requisitioning of food which is or may be eaten or drunk but which will be used other than for such human or animal consumption, regulations issued by WPB will be applicable except that prior to the issuance by WPB of an authorization for such requisitioning, approval thereof shall be obtained by WPB from the Administration. With respect to the requisitioning of such food for human and animal consumption (including tobacco), regulations issued by the Administration will be applicable.

(c) With respect to the requisitioning in its entirety of any assembled lot of commodities composed of both food and non-food items, regulations issued by WPB will be applicable except that prior to the issuance by WPB of an authorization for such requisitioning, approval will be obtained by WPB from the Administration relative to the food commodities contained in such lot which otherwise would be subject to regulations of the Administration.

(d) With respect to the requisitioning of any food commodity which will be used by the requisitioning agency both for internal human or animal consumption and for other uses, regulations issued by the Administration will be applicable except that prior to the issuance of the authorization for such requisitioning, approval shall be obtained by the Administration from WPB with respect to the non-food uses.

3. Procedure for Clearance. Each of the parties hereto shall designate a representative or representatives to give approvals as hereinabove provided. Approval may be sought and given informally, confirmed by memorandum statement or by such other method as the said representative may agree upon.

4. Reports. On or before the 16th day of the months of April and October of each year, the Administration shall transmit to WPB such reports as are required by law with respect to the issuance during the preceding months of requisitioning authorization, which reports will be forwarded by WPB together with its own reports to the President.

/s/ J. A. Krug
For the War Production Board

/s/ M. L. Marshall
For the War Food Administration

Dated: June 11, 1943

WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

November 3, 1943

MEMORANDUM OF UNDERSTANDING BETWEEN THE WAR FOOD ADMINISTRATION,
THE OFFICE OF PRICE ADMINISTRATION, AND THE OFFICE OF THE
QUARTERMASTER GENERAL WITH REGARD TO FORMATION AND OPERATION OF
THE DAIRY PROCUREMENT BOARD

I. Need for Procurement Board

1. The administration of wartime programs for dairy products requires the utmost in speed and efficiency. This is due primarily to the following factors:

- (a) Production and processing of milk and its products are widely distributed throughout the country and are characterized by marked seasonal variation. The utilization of milk and the production and prices of its various products are closely inter-related. Under the most efficient administrative system possible, control of production and distribution would be difficult.
- (b) Milk and most dairy products are perishable or semi-perishable and must be processed and handled promptly.
- (c) Trade and distribution channels are unusually complex and fluid.

2. While it is not expected that these conditions can be completely corrected by administrative organization, it is believed that a Procurement Board would greatly speed administrative action for the following reasons:

- (a) It would be a cohesive body, clothed with definite authority and supported formally by the participating agencies.
- (b) It would serve to create a fuller understanding of the particular problems of each agency and provide a formal method for developing coordinated policies and concerted action.
- (c) For this reason, it would have definite responsibilities, and could be called together at stated times in order to address itself directly to problems which are now considered either in echelon or by several groups within the interested agencies.
- (d) The formal determination and decisions of the Board would carry much greater weight with the several administrative agencies than is now carried by the several recommendations of particular officials, even when these officials meet together.
- (e) The Board would be a continuously operating agency of the Inter-Agency Food Procurement Committee and when necessary it would bring problems to that committee for consideration.

II. Functions of the Board

1. To coordinate Government procurement programs, both between agencies and with civilian programs. Machinery will be set up to establish coordination on the basis as intimate and detailed as circumstances require. Actual extent of coordination will be altered from time to time in accordance with the exigencies of the current and prospective situation. Coordination programs will be worked out within the structure of existing allocations; the functions of the Board will not supplant those of currently existing allocation organizations.

2. To coordinate within governmental agencies, the procurement programs of different inter-related products such as natural and process cheese and such as roller and spray process dried skim milk, and dried whole milk, and the operations of set-aside orders, seasonal purchase schedules, grading, packaging, fluid milk supplies and other matters needing close coordination among Government agencies.

3. To study supply and price conditions affecting dairy products and to recommend actions to the appropriate agencies.

4. To develop programs concerned with civilian rationing, insofar as they affect dairy programs of the Government and to recommend appropriate action to the War Food Administration and the Office of Price Administration.

5. To develop administrative programs within this agency and to take such other action, based upon formal study and determination of the Board, as may be appropriate.

III. Recommendations of the Board

1. After the determination of the action deemed necessary or advisable to achieve the objectives outlined above, the Board, through its chairman, shall recommend such action to the appropriate member of the Board representing the agency responsible for such action. If such member concurs in the recommendation, he shall take such steps as are necessary to put the recommendation into effect, acting under the authority delegated to him by the agency which he represents.

IV. Organization of the Board

1. The members of the Board shall be as follows:

(a) A Chairman, who will be an authorized representative of the Food Distribution Administration of the War Food Administration, empowered to act as such, as well as for governmental purchasers of dairy products, other than the armed forces.

(b) A representative of the U. S. Armed Forces. Inasmuch as the Quartermaster Corps is the largest purchaser among the Armed Forces of dairy products, this representative will be appointed by the Quartermaster General, with power to act for the Quartermaster General and with power delegated by the other Armed Services to act on their behalf.

- (c) A duly authorized representative of the Office of Price Administration empowered to act for the Food Rationing Division.
- (d) A duly authorized representative of the Office of Price Administration empowered to act for the Price Division.
- (e) Such other members as may, from time to time, be justified by the scope of the problem involved.

2. There shall be a Secretary, appointed by the War Food Administration, but not a member of the Board; who shall be assigned the primary duty of coordinating and expediting the meetings and activities of the Board.

3. The Chairman of the Board shall preside at all meetings and shall be responsible for directing the activities of the Board in accordance with the policies set forth in this memorandum and for taking appropriate steps to further the execution of the actions taken or the recommendations given by the Board. He shall have the authority to call such meetings as he deems appropriate and to supervise such personnel as is assigned to the Board. He may appoint a Deputy Chairman to act in his place and stead in the event of his absence.

4. The members to the Board shall be appointed in writing by their several agencies, with full authority to act for their respective agencies within the sphere of authority and activity of the Board. They shall have the responsibility of providing to the Board information concerning the activities of their several agencies necessary to the meetings and activities of the Board. They shall participate in the discussions, deliberations and actions of the Board in the performance of its responsibility and authority and to interpret to their respective agencies the recommendations of the Board.

5. Each participating agency may, in addition, appoint alternate or auxiliary representative to act in the absence of and in cooperation with the members of the Board in the performance of the duties and responsibilities of the Board.

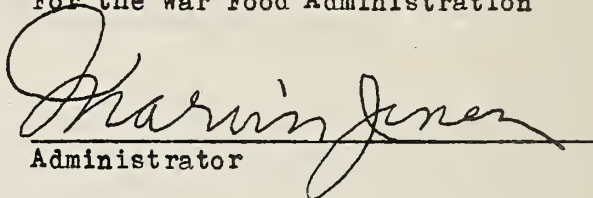
V. Methods of Operation

1. The Board shall be provided with the necessary personnel facilities and office space. Meetings shall be held at regular intervals or from time to time, as deemed necessary by the Board and as called by the Chairman. Meetings shall be held at convenient locations as determined by the Board.

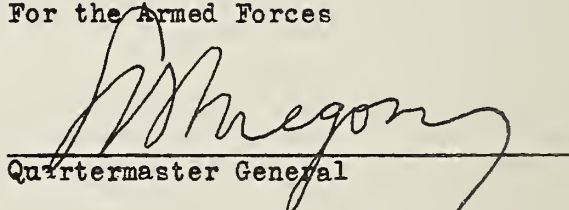
2. The Board, through its Chairman, shall have the authority to invite in, at any time, representatives of producers, processors, distributors or other representatives of the dairy industry, as may be deemed necessary,

to serve as advisors to the Board in the conduct of its operations. The Board may, through its Chairman, request the counsel and assistance of representatives of the participating agencies and of other governmental agencies to advise and assist the Board in the conduct of its operations.

For the War Food Administration


Administrator

For the Armed Forces


Quartermaster General

For the Office of Price Administration


Acting Administrator

Exhibit DD

War Production Board

May 5, 1943

E. I. du Pont de Nemours & Company
Wilmington, Delaware

Attention: Mr. John C. Herbert

Dear Sirs:

This is in answer to your letter of April 14th addressed to Mr. Egerton of the Legal Division, in which you inquire as to whether or not products made by your Company and which may be used in the processing of food and beverages (but which also may be used for commercial purposes) are considered "food" within the definition of Food Distribution Regulation No. 1, and are without the scope of the War Production Board general priority regulations covering the ratings of materials.

In general, such materials might fall into either one of two classes, namely, those which are themselves incorporated into the ultimate food product or those which are used solely for processing. An example of the first category would be lactic acid which, I understand, is used as an ingredient in soft drinks. An example of the second category would be food containers. For the purposes of Food Distribution Regulation No. 1, materials of the first type are to be considered "food" and are, therefore, outside the scope of the War Production Board general priority regulations. Materials within the second category are not to be considered "food" and are still under the preference rating system of the War Production Board.

In addition to the above, there are some materials which, although sometimes incorporated in food products, are still subject to War Production Board orders as a result of arrangements between the War Food Administration and this agency, for example, ethyl alcohol which is controlled by War Production Board orders M-30 and M-69. There are undoubtedly still other materials which, although not the subject of any specific War Production Board orders, have such an incidental use as food ingredients that, if the question were to come up, it might be agreed to keep them under War Production Board jurisdiction. Examples of this type might be certain dyes incidentally used for coloring food, but primarily used for other purposes. It is not possible to give a list of such materials since the question of jurisdiction would have to be determined by agreement between the War Food Administration and this agency when the

Du Pont & Company

particular question arises. Pending a specific determination in any particular case, any priority ratings issued either under Food Distribution Regulation No. 1 or under the War Production Board preference rating system for such materials should be treated as valid, and, in the event of a conflict in ratings the matter should be referred to both the War Food Administration and the War Production Board.

Very truly yours,

/s/ I. N. P. Stokes, 2d
Assistant General Counsel

September 3, 1943

Mr. Sydney Stein, Jr.
Assistant Chief, Division of Administrative Management
Bureau of the Budget
Washington, D. C.

Dear Mr. Stein:

This is in reply to your letter of August 20, which was in response to my request of July 19 that the Bureau of the Budget give consideration to the transfer to the War Food Administration of so much of the personnel, funds, property and records of the Insecticides and Fungicides Unit, Chemicals Division, War Production Board as relates to the allocation of rotenone and pyrethrum materials.

On August 24, representatives of the War Food Administration and the War Production Board reached an informal agreement which we believe resolves on a practical basis the difficulties between the two agencies in connection with the control of pyrethrum and rotenone allocated for the manufacture of agricultural insecticides. The essence of the agreement is as follows:

1. Rotenone and pyrethrum content of insecticides. The War Food Administration orders (Food Production Order No. 11, 8 F. R. 5661; and Food Production Order No. 13, 8 F. R. 3915) will be amended or revised so as to eliminate any restrictions on mixers regarding the amount of rotenone and pyrethrum used in the insecticide mixture. This will be covered in the War Production Board orders and that agency has agreed to follow the recommendations of the War Food Administration in the issuance of instructions to mixers with respect to the mixing of agricultural insecticides. For example, if the War Food Administration desires that a given percentage of the rotenone insecticide be made with 2 percent rotenone, the War Production Board would, at the request of the War Food Administration, issue the necessary instructions to mixers under the provisions of its order. The War Food Administration order would prohibit the sale to, or use by, consumers of insecticides containing more or less than a given percentage of these ingredients.

2. Size of package. The War Food Administration orders will contain no reference to size of packages which mixers must use in packaging rotenone and pyrethrum insecticides. If the War Food Administration so recommends, however, the War Production Board will instruct mixers as to the size of packages.

2--Mr. Sydney Stein, Jr.

3. Labeling. The War Food Administration orders will contain no labeling requirements for mixers of insecticides. Any instruction which the War Production Board may issue to mixers with respect to labeling will be in conformity with the recommendations of the War Food Administration.

4. Use of pyrethrum and rotenone in the same insecticide. The War Production Board will amend its rotenone and pyrethrum orders and the War Food Administration will amend its rotenone order so as to remove the prohibition against combining pyrethrum and rotenone in the same insecticide.

This agreement was worked out as a practical solution to the problem. It is not a determination of the legal division of authority between the War Food Administration and the War Production Board with respect to non-food materials allocated for the food program. Although we did not understand that a definite agreement was reached at the meeting on August 11, referred to in your letter, we believe that the agreement which has since been reached substantially conforms with your suggestions.

We wish to thank you for the assistance of your office in helping us to arrive at this solution.

Two copies of this letter are being sent to Mr. Robert L. Finley, attorney for the Insecticides and Fungicides Unit, of the War Production Board.

Sincerely yours,

/s/ Edward M. Shulman
Acting Solicitor

C
O
P
Y

October 13, 1943

Armour & Company
Chicago, Illinois

Attention: Priorities Division

Gentlemen:

This will acknowledge receipt of your letter of September 17, 1943, in which you inquired concerning the application of Food Distribution Regulation No. 1 to various blood products produced by your company.

Food Distribution Regulation No. 1, providing for food priorities, applies to all food as that term is defined in the regulation. This definition includes all products which may be eaten or drunk by either human or animals, irrespective of other uses and at all stages of processing from the raw commodity to the finished product. This means that all blood and blood products which are or may be used for human or animal consumption are subject only to the food priority regulation. However, blood products or derivatives which have been so processed that they are no longer intended for or fit for human or animal consumption are outside the definition and, therefore, are subject to applicable regulations of the War Production Board.

It is the position of this administration that insoluble blood flour or meal, which is whole blood that has been dried and ground and is used for animal feeding purposes, is subject to the food priority regulation. Soluble dried blood, which is defibrinated whole blood dried at controlled temperatures and is used as a plywood adhesive, and blood albumin, which is centrifugally separated from haemoglobin and used as a leather dressing, are not food within the definition of Food Distribution Regulation No. 1. Haemoglobin, a source of amino acids, is likewise not food within this definition since the War Production Board exercises control over drugs and pharmaceuticals.

I trust that this will answer your questions on this matter. We will be glad to answer any further questions you may have in this regard.

Sincerely yours,

/s/ E. J. Murphy

E. J. Murphy, Chief
Grain Products Branch

Exhibit GG

EXECUTIVE OFFICE OF THE PRESIDENT
Bureau of the Budget
Washington, D. C.

October 20, 1943

MEMORANDUM

TO: Mr. George Cooper

FROM: R. H. Templeton, Jr.

SUBJECT: Division of Responsibility between WPB and WFA in regard to Fertilizer

The transfers from WPB to WFA under the terms of Executive Order No. 9280 were in accordance with the following principles insofar as fertilizers were concerned.

1. WFA has the responsibility for determining material requirements for fertilizers and acts as a claimant for such materials before WPB.
2. WFA has responsibility for determining the "mix" of fertilizers to be produced.
3. WFA has the responsibility for advising WPB the geographical areas where the various types of fertilizers will be required.
4. WPB has the responsibility for the production for fertilizers according to the various types of mix as well as the responsibility for distributing these various types to the required areas.
5. WFA has the responsibility for the distribution of the fertilizers to the ultimate consumers.

R. H. T., Jr.

September 24, 1943

ADMINISTRATOR'S MEMORANDUM NO. 27

Organization of War Food Administration

OFFICE OF THE ADMINISTRATOR

To assist the War Food Administrator in the over-all planning direction, and execution of the programs of the War Food Administration, there are hereby established in the Office of the Administrator the positions of two or more Assistant Administrators, one of whom shall be designated as First Assistant Administrator. Under the general supervision of the Administrator, each Assistant Administrator shall be responsible for such matters as may be assigned to him by the Administrator. He shall be authorized to sign or approve, over the title of First Assistant Administrator or Assistant Administrator, as the case may be, all matters which the Administrator may sign or approve.

When the Administrator is absent or unable to act, the First Assistant Administrator shall be the Acting Administrator. The Administrator will designate from time to time the official who shall be the Acting Administrator in the absence of both the Administrator and the First Assistant Administrator.

In the Office of the Administrator, there will be a Special Representative of the Administrator and one or more Assistants to the Administrator. The Special Representative of the Administrator shall act in a liaison capacity between the Administrator and the Governors of States and State Secretaries and Commissioners of Agriculture and with city and county officials in order to achieve maximum cooperation in carrying out the activities and functions of the War Food Administration. As set forth in the Federal Register of June 15, 1943 (8 F. R. 8087), the duties of one of the Assistants to the Administrator will include the performance, for the War Food Administrator, of regulatory functions as defined in the so-called Schwellenbach Act, approved April 4, 1940 (54 Stat. 81; 5 U.S.C. 1940 ed. 516a-516e).

PROGRAM AGENCIES

The program Agencies of the War Food Administration shall consist of the Food Distribution Administration, the Food Production Administration, the Commodity Credit Corporation, the Extension Service, the Office of

Labor Supply, the Office of Materials and Facilities, the Office of Transportation, and the Office of War Board Services. Until or unless otherwise provided, the functions of the Food Distribution Administration, the Food Production Administration, the Commodity Credit Corporation, the Extension Service, and the Office of War Board Services shall remain the same as heretofore have been prescribed in memoranda issued by the Secretary of Agriculture or the War Food Administrator.

The Office of Labor Supply shall be responsible for all functions of the War Food Administration relating to labor, manpower, and wage stabilization. The Director of Extension Work shall, under the immediate supervision and direction of the Director of Labor Supply, assist the Director of Labor Supply in discharging his responsibilities under the Farm Labor Supply Program, particularly with respect to the functions of the State Extension Services in the discharge of their obligations under the Program as expressed in their agreements with the War Food Administrator, entered into pursuant to Section 2 of Public Law No. 45.

The Office of Materials and Facilities shall be responsible for all materials, supplies, machinery, equipment, and facilities programs of the War Food Administration. The Director of Materials and Facilities shall serve as representative of the War Food Administration on the Requirements Committee of the War Production Board.

The Office of Transportation shall have the function of coordinating the transportation work of the various agencies of the War Food Administration, and shall be responsible for formulating and supervising the execution of general transportation policies and for directing War Food Administration activities in connection with the movement of food and farming and food processing materials or facilities within and into and out of the country.

In directing the activities of their respective agencies, the President of the Commodity Credit Corporation, the Director of Food Distribution, the Director of Food Production, and the Directors of Extension Work, Labor Supply, Materials and Facilities, Transportation, and War Board Services shall act under the general supervision of the Administrator or the Assistant Administrators, as the case may be. Except as otherwise may be provided by the Administrator, the head of each program agency may, in his discretion, delegate and provide for the subdelegation of his authority to the officers and employees of the agency.

SERVICE AND STAFF AGENCIES

All the Service and Staff Agencies of the Department of Agriculture, including the Bureau of Agricultural Economics, the Office of Budget and Finance, the Office of Foreign Agricultural Relations, the Office of Information, the Library, the Office of Personnel, the Office of Plant and Operations, and the Office of the Solicitor, shall constitute a part of the War Food Administration. Except as the Administrator may expressly prescribe otherwise, the services of such Service

and Staff Agencies shall be utilized by the War Food Administration in the same manner and to the same extent as their services heretofore have been utilized by the Department of Agriculture.

PERSONNEL ASSIGNMENTS

First Assistant Administrator - - - - - Grover B. Hill

Assistant Administrators

Ashley Sellers

Wilson Cowen

Assistants to the Administrator

Thomas J. Flavin

Stanley P. Williams

Francis A. Flood

Special Representative of the Administrator - - - M. Clifford Townsend

Director of Food Production

Director of Food Distribution

J. B. Hutson

Roy F. Hendrickson

Director of Extension Work - - - - - M. L. Wilson

Director of Labor Supply - - Col. Philip G. Bruton

Director of Materials and

Facilities - - - - - M. Lee Marshall

Director of Transportation - - - - - Mark Upson

Director of War Board Services - - William L. Nelson

President of the Commodity

Credit Corporation - - - - - J. B. Hutson

Director of Finance - - - - - W. A. Jump

Director of Foreign Agricultural

Relations - - - - - L. A. Wheeler

Director of Information - - - - - Morse Salisbury

Director of Personnel - - - - - T. Roy Reid

Chief of the Bureau of

Agricultural Economics - - - - Howard R. Tolley

Chief of Plant and Operations - - Arthur B. Thatcher

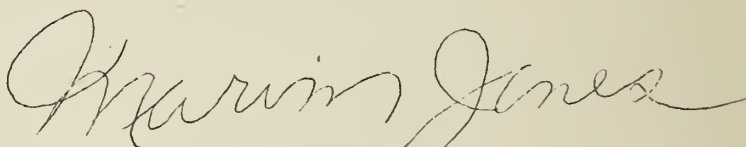
Librarian - - - - - Ralph R. Shaw

Solicitor - - - - - Robert H. Shields

4 - Administrator's Memorandum No. 27

Administrator's Memorandum No. 1, issued April 19, 1943, and all revisions and supplements thereto issued prior to September 25, 1943, Administrator's Memorandum No. 2, issued April 30, 1943, and revisions and supplements thereto, Administrator's Memorandum No. 4, issued May 10, 1943, Administrator's Memorandum No. 10, issued May 27, 1943, Administrator's Memorandum No. 11, issued May 27, 1943, Administrator's Memorandum No. 12, issued May 29, 1943, Administrator's Memorandum No. 14, issued June 2, 1943, Administrator's Memorandum No. 19, issued July 13, 1943, and Administrator's Memorandum No. 22, issued July 31, 1943, are hereby superseded. All other existing memoranda in conflict with the provisions of this memorandum are hereby superseded to the extent of such conflict.

The provisions of this memorandum shall become effective September 25, 1943.

A handwritten signature in cursive script, reading "Marvin Jones".

Administrator

EXHIBIT II

WAR FOOD ADMINISTRATION Washington 25, D. C.

January 21, 1944.

ADMINISTRATOR'S MEMORANDUM NO. 27, SUPPLEMENT 4

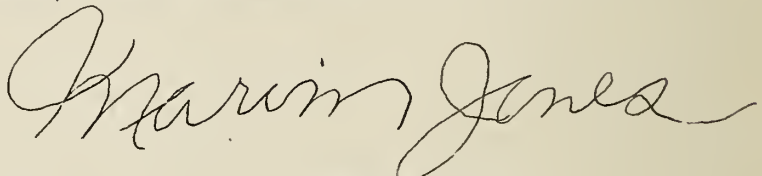
Organization of the War Food Administration

1. Hereafter the Food Production Administration and the Food Distribution Administration shall be known as the Office of Production and the Office of Distribution, respectively. The heads of these agencies shall continue to have the titles of Director of Food Production and Director of Food Distribution, respectively.
2. The Agricultural Adjustment Agency, the Farm Security Administration, and the Soil Conservation Service hereafter shall function as independent agencies within the War Food Administration, and the heads of these three agencies shall report directly to the Administrator, or the Assistant Administrators as the case may be.
3. The Office of Distribution shall be responsible for all procurement, stockpiling, storage, and distribution of food by the War Food Administration, including the distribution of food acquired by virtue of the operations of the several loan programs of the Administration, except that
 - (a) The Commodity Credit Corporation shall continue to procure and import food from the Dominion of Canada and sugar from the Caribbean area.
 - (b) The Commodity Credit Corporation shall continue to be responsible, until May 1, 1944, for such procurement and distribution programs as it is now administering, provided that on and after May 1, 1944, all such programs shall be administered by the Office of Distribution.
 - (c) The Commodity Credit Corporation shall make such distribution of food acquired by virtue of its loan programs or imported by virtue of its operations under subparagraph (a) hereof as may be requested by the Office of Distribution and approved by the Administrator.
 - (d) The Office of Production, acting through such agency in the field as may be designated by the Administrator, shall be responsible for the distribution of all food allocated for use as feed and other production facilities.
4. The Office of Distribution shall be responsible for the preparation of directives for the foreign procurement of food.

5. There is hereby established within the Administration the Office of Price. The Office of Price shall have supervision over all functions of the Administration relating to approval of maximum prices to be fixed for agricultural commodities or products, and relating to price support programs in connection with particular commodities. The Director of Price will prepare or review recommendations covering commodities to be supported and the levels and methods of support. The services of all agencies and personnel of the Administration shall be available to the Director of Price in carrying out this work. All dockets and formal correspondence between the Office of Price Administration or the Office of Economic Stabilization and the War Food Administration relating to maximum price regulations or price support programs, whether such dockets or such correspondence originate in the Office of Price Administration, the Office of Economic Stabilization, or within the War Food Administration, shall, prior to submission to the Administrator for approval or other consideration, be transmitted to the Office of Price.

Temporarily, Mr. Ashley Sellers, Assistant Administrator, will serve also as the Director of Price.

6. As used in this memorandum, the term "food" shall have the meaning defined in Executive Order No. 9280, issued December 5, 1942.

A large, stylized handwritten signature in cursive script, reading "Marvin Jones".

Administrator

EXHIBIT JJ

WAR FOOD ADMINISTRATION
Washington 25, D. C.

March 18, 1944

ADMINISTRATOR'S MEMORANDUM NO. 27, SUPPLEMENT 4

Amendment 2

I

Organization of the Commodity Credit Corporation

1. In line with changes which have been made in the organization of the War Food Administration, the Board of Directors of the Commodity Credit Corporation has been reconstituted to consist of the following:

War Food Administrator, Chairman
Director of Production
Director of Distribution
Director of Price
Chief of the Agricultural Adjustment Agency
President of the Commodity Credit Corporation

2. The Director of Distribution has also been elected a Vice President of the Corporation.

3. The by-laws have been amended to provide, among other things, that the Solicitor and the Director of Finance shall serve as legal adviser and financial adviser, respectively, to the Board of Directors, and in such capacities shall attend the meetings of the Board.

II

Exercise of the Powers of the Commodity Credit Corporation

4. Except as otherwise specifically authorized by the Administrator and except for programs involving use of funds and authority under Section 32, Public Law 320, 74th Congress, the powers of the Commodity Credit Corporation shall be utilized for all lending, buying, selling, storage, transportation, and subsidy activities of the War Food Administration with respect to food and food facilities as follows:

- a. The President of the Commodity Credit Corporation shall be responsible for all such activities with respect to the following unprocessed commodities: Corn, wheat, cotton, tobacco, peanuts, rice, feed grains, wool, hemp, sugarcane, sugar beets and raw sugar, soybeans, flaxseed and cottonseed; provided that the President of the Commodity Credit shall be responsible for such activities with respect to (1) meeting Governmental

requirements, only to the extent provided in subparagraph "b" hereof, and (2) feed, seed (except vegetable seed), fertilizer, and other production facilities for domestic use, only to the extent provided in subparagraph "c" hereof.

- b. The Director of Distribution, acting in his capacity as Vice President of the Commodity Credit Corporation and using the facilities of the Office of Distribution, shall be responsible for all such activities with respect to fruits and vegetables (including potatoes, dried peas and beans, and vegetable seed), livestock and livestock products, dairy products, poultry, and poultry products, grain products (except feed), fats and oils, and all other processed food and food-processing facilities. He shall also be responsible for all such activities to meet Governmental requirements, provided, that such responsibilities with respect to any commodity mentioned in subparagraph "a" hereof shall be carried out by the President of the Commodity Credit Corporation in accordance with directives issued by the Director of Distribution and approved by the Administrator.
- c. The President of the Commodity Credit Corporation shall be responsible for all such activities with respect to feed, seed (except vegetable seed), fertilizer, and other production facilities for domestic use, provided, that such responsibilities shall be carried out in accordance with directives prepared by the Director of Production with the concurrence or recommendations of the Director of Distribution and approved by the Administrator.

III

Section 32 Programs

5. Responsibility for programs involving exercise of authority under Section 32, Public Law 320, 74th Congress, shall be vested in the agencies of the Administration, according to the commodity concerned, on the same basis as is indicated in II with respect to programs involving the exercise of the powers of the Commodity Credit Corporation.

IV

Miscellaneous

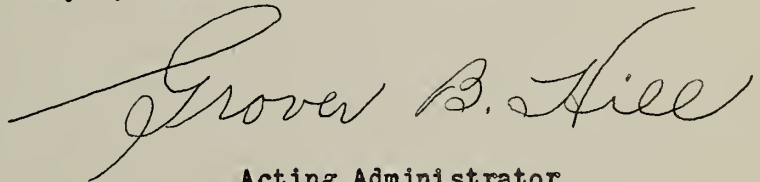
- 6. The heads of the Office of Production and the Office of Distribution shall hereafter have the titles of Director of Production and Director of Distribution, respectively.
- 7. The Director of Production, the Director of Distribution, and the President of the Commodity Credit Corporation, when discharging their responsibilities for programs which involve the exercise of the power of the Commodity Credit Corporation or of authority under Section 32, shall, upon the approval of the Administrator, use the facilities of the agency of the Administration which is best adapted to carrying out

such programs and shall collaborate with such agency in the formulation of the programs concerned.

8. All programs involving the exercise of Commodity Credit Corporation powers or Section 32 authority by the President of the Commodity Credit Corporation, Director of Distribution, or Director of Production shall be submitted by the formulating agency to the Administrator in docket form with the concurrence or recommendations of the other two of these three and any other interested agency of the Administration, and the Solicitor and the Director of Finance.

9. Paragraph 3 of Administrator's Memorandum No. 27, Supplement 4, is hereby revoked.

10. This memorandum shall become effective immediately, provided, that, with respect to any program already in operation, the changes contemplated by this memorandum shall become effective as early as practicable but in no event later than May 1, 1944.

A handwritten signature in cursive script, reading "Grover B. Hill". The signature is written in dark ink and is positioned above the typed name "Acting Administrator.".

Acting Administrator.

EXHIBIT KK

WAR FOOD ADMINISTRATION
Washington 25, D. C.

April 4, 1944

ADMINISTRATOR'S MEMORANDUM NO. 27, SUPPLEMENT 4

Amendment 3

The Establishment of Inter-Agency Food Importation Committee

To implement the activities of the War Food Administration, there is hereby established an Inter-Agency Food Importation Committee. This Committee shall be composed of the Directors of Distribution, Transportation, Production, Foreign Agricultural Relations, and the President of the Commodity Credit Corporation, or their designees. The Committee may also include representatives of such other agencies as may be invited by the Chairman. The Director of Distribution or his designee shall serve as Chairman of the Committee. The Vice Chairman and the Executive Secretary shall be designated by the Chairman. The Committee shall act in an advisory capacity to the Chairman.

The Chairman, in consultation with members of the Committee, shall be responsible for--

1. Determining and recommending to the War Food Administrator quantities of food to be imported into the United States, sources of supply, and the most appropriate method (i.e., public purchase or private import).
2. The preparation of directives for the foreign procurement of food for human or animal consumption through public purchase to be issued to the Foreign Economic Administration by the War Food Administrator, provided that such directives with respect to feed, fertilizers, seeds, and other production facilities shall be submitted to the War Food Administrator with the concurrence or recommendation of the Director of Production.
3. Participation with representatives of the War Production Board in the preparation of directives which are to be issued to the Foreign Economic Administration jointly by the Chairman of the War Production Board and the War Food Administrator relative to the importance of food for industrial uses.
4. Recommendations to the Inter-Departmental Shipping Priorities Advisory Committee of Shipping quotas and shipping priorities to be established for the importation of food and food facilities. In collaboration with the Director of Transportation, the Chairman, or a joint designee, shall represent the

War Food Administrator on the Inter-Departmental Shipping
Priorities Advisory Committee.

The Chairman or his designee shall--

1. Refer to the Director of Transportation, or his designee, the determinations made as to shipping quotas and priorities, who shall thereupon have the responsibility, as liaison between the War Food Administration and the War Shipping Administration, of making every effort to see that over-all shipping is provided to meet the requirements of the shipping quotas and priorities established.
2. In collaboration with the Director of Transportation work out the month-to-month scheduling of importations with the War Shipping Administration.
3. Act as liaison officer between the War Food Administration and the War Production Board in the administration of that part of War Production Board Order M-63 which deals with the importation of food and food facilities for the account of private importers.

Nothing contained in this memorandum shall affect the responsibility of the Commodity Credit Corporation with respect to the procurement and importation of food from the Dominion of Canada and of sugar from the Caribbean area, except that the President of the Commodity Credit Corporation or his designee shall, in making arrangements with respect to the transportation of such imports, collaborate with the Director of Transportation.

The Inter-Agency Food Importation Committee established by this memorandum replaces the Department Committee on Foreign Purchase and Importation which was established by Secretary's Memorandum 1054, Supplement 2. Those sections of Secretary's Memorandum 1054, Supplement 2, dealing with the preparation and issuance of directives for foreign purchase and importation, are superseded by the provisions of this memorandum. This memorandum also supersedes Secretary's Memorandum 1054, Supplement 4, and any and all provisions of other memoranda in conflict with the provisions hereof.

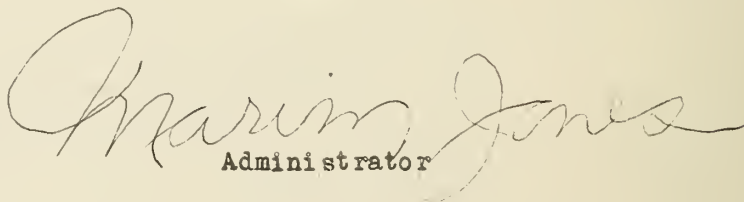

Administrator

EXHIBIT LL

WAR FOOD ADMINISTRATION
Washington 25, D. C.

March 18, 1944

ADMINISTRATOR'S MEMORANDUM NO. 27, SUPPLEMENT 6

Functions of the Office of Production

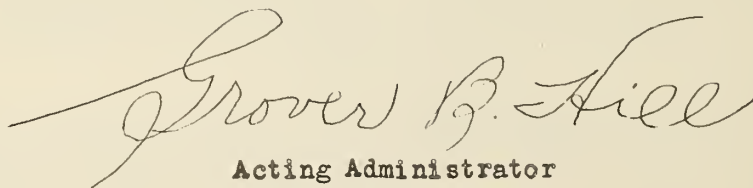
The purpose of this memorandum is to outline the duties, responsibilities and functions of the Office of Production of the War Food Administration.

The Office of Production shall:

1. Develop national and state agricultural production goals designed to meet the requirements for food and fiber. In carrying out this function, the Office of Production shall collaborate with and be assisted by other interested agencies of the War Food Administration.
2. Evaluate production programs and make recommendations to the Administrator with respect to methods and facilities for augmenting or adjusting the production of agricultural commodities to meet requirements.
3. Together with other interested agencies, review and recommend to the Office of Price the support prices and support programs desirable for agricultural production.
4. Together with other interested agencies, review and make recommendations to the Office of Price with respect to proposed maximum price regulations pertaining to agricultural commodities.
5. Serve as a clearing house and coordinating agency with respect to soil and moisture conservation and water utilization programs of the War Food Administration. More specifically --
 - a. Appraise the contribution to war food production of proposed soil and water conservation, use and development programs and project of WFA agencies and of other agencies submitted to WFA for recommendation. Recommendations relating to critical materials will be made to the Office of Materials and Facilities, War Food Administration;
 - b. Develop, in cooperation with the Office of Labor, WFA, policies relating to the effective use of public labor corps to increase war food production through soil and water conservation, development, and utilization work, including the kind and extent of work to be done;
 - c. Analyze the results accomplished by each WFA agency and make recommendations to the Administrator as to how each conservation program may be more effectively related to other similar WFA programs in the interest of increased war food production.

- d. Maintain close contact with research agencies working in the field of soil and water conservation, use, and development, and aid in the summarization and interpretation of research results pertinent to effective programs in the field of conservation, development, and use of soil and water by WFA agencies for war food production;
 - e. Serve in a liaison capacity between agencies of the War Food Administration and other Executive agencies of the government with respect to soil and moisture conservation and water utilization programs and projects for war food production, which require interdepartmental collaboration.
 - f. Consult with the Land Use Coordinator on matters involving over-all departmental, or interdepartmental, policies and programs.
6. Formulate programs, including priority and allocation orders, designed to secure the most effective utilization of all food allocated for use as feed and also programs designed to maintain a proper balance between livestock production and available feed supplies and administer such programs and orders, acting through such agencies in the field as may be designated by the Administrator.
 7. Exercise administrative direction over the Department's crop insurance program.
 8. Serve as claimant agency before the Requirements and Allocations Committee with respect to food used for feed, seed, fertilizer, or other production facilities.
 9. Together with other interested agencies, ascertain production requirements and make recommendations regarding production facilities needed to meet such requirements, as follows: with respect to machinery and fertilizer, to the Office of Materials and Facilities; with respect to Labor, to the Office of Labor; and with respect to agricultural credit, to the Administrator for submission to the appropriate agricultural credit agency.

Administrator's Memorandum No. 26 and all other previously issued memoranda are superseded to the extent they are inconsistent herewith.


Acting Administrator

WAR FOOD ADMINISTRATION
Washington 25, D. C.

October 28, 1943

ADMINISTRATOR'S MEMORANDUM NO. 30

Establishment of Food Requirements
and Allocations Committee

I

The Food Advisory Committee and the Interagency Allocations Committee are hereby abolished and their functions combined and transferred to a committee hereby created under section 7(a) of Executive Order 9280, as amended, to be known as the Food Requirements and Allocations Committee of the War Food Administration.

Members of the Food Requirements and Allocations Committee shall be representatives of all United States agencies who are claimants for food either for domestic or foreign account. These agencies are: The War Department, the Navy Department, the Office of Foreign Economic Administration, the War Shipping Administration, the Civilian Food Requirements Branch of the Food Distribution Administration, and the Food Production Administration. The Chairman of the Food Requirements and Allocations Committee is authorized to accept as claimants other agencies from time to time as conditions warrant.

The Chairman of the Committee shall be, as personal representative of the War Food Administrator, responsible for receiving all food requirements and for recommending all food allocations to the War Food Administrator. In his capacity as Chairman of the Food Requirements and Allocations Committee he shall be the only voting member of the Committee.

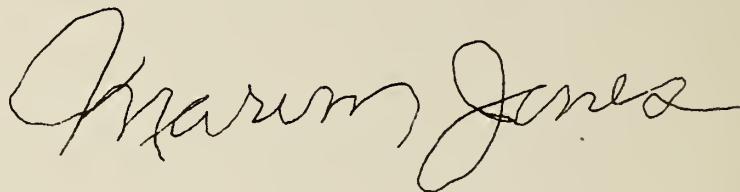
As the United States member of the Combined Food Board, I also designate the Chairman of the Food Requirements and Allocations Committee as my representative and deputy on the Combined Food Board. The Chairman is authorized to integrate staff work incident to receiving and considering requirements and supply data in order that responsibility for this work may be centralized both as it relates to domestic and foreign claims affecting the supply of food available from the United States and in the case of foreign sources where the United States through the Combined Food Board is concerned with the allocation of foreign food supplies.

By agreement with the Secretary of Agriculture, the services of the Office of Foreign Agricultural Relations are hereby made available to the Chairman.

II

The Chairman of the Committee, as my personal representative and deputy incident to the operations of the Combined Food Board, is authorized to designate the United States Executive Officer for the Board and to make other arrangements incident to the organization of the Board essential for its effective functioning.

Roy F. Hendrickson, Director of the Food Distribution Administration, is hereby designated as Chairman of the Food Requirements and Allocations Committee and my personal representative and deputy on the Combined Food Board.

A handwritten signature in dark ink, reading "Harum Jones". The signature is written in a cursive, flowing style with a large initial "H" and a long, sweeping underline.

Administrator

EXHIBIT NN

WAR FOOD ADMINISTRATION
Washington 25, D. C.

March 18, 1944

ADMINISTRATOR'S MEMORANDUM NO. 30, Revised

Established of Food Requirements
and Allocations Committee

Administrator's Memorandum No. 30 and Supplement No. 1 thereto are hereby revised to read as follows:

I

Members of the Food Requirements and Allocations Committee, which replaced the Food Advisory Committee and the Interagency Allocations Committee, shall be representatives of all United States agencies who are claimants for food either for domestic or foreign account. These agencies are: The War Department, the Navy Department, the Office of Foreign Economic Administration, the War Shipping Administration, the Civilian Food requirements Branch of the Office of Distribution, and the Office of Production. The Chairman of the Food Requirements and Allocations Committee is authorized to accept as claimants other agencies from time to time as conditions warrant.

The Chairman of the Committee shall be, as personal representative of the War Food Administrator, responsible for receiving all food requirements and for recommending all food allocations to the War Food Administrator. The memoranda of the Chairman of the Food Requirements and Allocations Committee containing recommendations with respect to feed, fertilizer, seeds, and other production facilities shall be submitted to the War Food Administrator with the concurrence or recommendations of the Director of Production. In his capacity as Chairman of the Food Requirements and Allocations Committee, the Director of Distribution shall be the only voting member of the Committee.

The Chairmen of the Food Requirements and Allocations subcommittees concerned primarily with feed, fertilizer, seeds, and other production facilities shall be designated by the Chairman of the Food Requirements and Allocations Committee in accordance with recommendations of the Director of Production. Where the work of a Food Requirements and Allocations subcommittee otherwise involves feed, fertilizer, seeds, and other production facilities, there shall be a member thereof appointed by the Chairman of the Food Requirements and Allocations Committee in accordance with recommendations of the Director of Production.

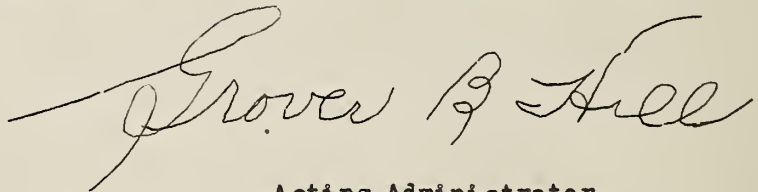
As the United States Member of the Combined Food Board, I have also designated the Chairman of the Food Requirements and Allocations Committee as my representative and deputy on the Combined Food Board. The Chairman is authorized to integrate staff work incident to receiving and considering requirements and supply data in order that responsibility for this work may be centralized both as it relates to domestic and foreign claims affecting the supply of food available from the United States and in the case of foreign sources where the United States through the Combined Food Board is concerned with the allocation of foreign food supplies.

By agreement with the Secretary of Agriculture, the services of the Office of Foreign Agricultural Relations are made available to the Chairman.

II

The Chairman of the Committee, as my personal representative and deputy incident to the operations of the Combined Food Board, is authorized to designate the United States Executive Officer for the Board and to make other arrangements incident to the organization of the Board essential for its effective functioning.

The Director of Distribution shall serve as Chairman of the Food Requirements and Allocations Committee and my personal representative and deputy on the Combined Food Board.

A handwritten signature in cursive script, reading "Grover B. Hill". The signature is written in dark ink and is positioned above the typed name.

Acting Administrator

EXHIBIT 00

WAR FOOD ADMINISTRATION
Office of Distribution
Washington 25, D. C.

September 15, 1944

DIRECTOR'S MEMORANDUM NO. 16

Revision 1

Requirements and Allocations Control Procedure

1. RESPONSIBILITY: War Food Administrator's Memoranda Nos. 7 and 30 have delegated to the Director of Distribution the responsibility of recommending to the War Food Administrator allocation of foods. The allocation procedure provides the blueprint for the equitable and effective distribution of food commodities in the best interests of the war effort.

Requirements and Allocations Control - The staff work involved in the task of allocations is assigned to Requirements and Allocations Control. Requirements estimates are obtained by the Branch for four 3-month periods in advance. For production planning purposes prospective requirements on an annual basis are obtained 2 years in advance. Members of the Requirements and Allocations Control staff serve as secretaries to the Food Requirements and Allocations Committee and its sub-committees, and to the Combined Food Board and its commodity committees. Branch members also aid the Chairman and U. S. members, respectively, of these committees in the preparation and analysis of allocation recommendations. Under the general supervision of the Deputy Director for Supply the executive officer of the Food Requirements and Allocations Committee, who is also Chief of Requirements and Allocations Control, coordinates all activities leading to the development of tentative allocations for submission to the Food Requirements and Allocations Committee.

11. TYPES OF ALLOCATIONS: There are two principal types of allocations:
(1) The international allocation which recommends the distribution of world supplies of food among various nations; and (2) the national allocation which divides the available supply of United States food among the various claimants.
 - A. National Allocations. Requirements and Allocations Control serves as a staff group for the following committees which assist in the formulation of allocation recommendations:
 1. Food Requirements and Allocations Committee. This is an inter-agency committee consisting of (1) Director of the Office of Distribution as Chairman, (2) Deputy Director for Supply as Vice Chairman, (3) Chief of Requirements and Allocations Control as Executive Officer, (4) representatives of the following

Government agencies: Departments of State, War, and Navy, Foreign Economic Administration, War Production Board, War Shipping Administration, Civilian Food Requirements Branch, Procurement and Price Support Branch, Office of Production, and Agricultural Adjustment Administration, and such other interested agencies as are invited.

The responsibilities of this committee are as follows:

- a. Serves in an advisory capacity to the Director of Distribution who makes allocation recommendations to the War Food Administrator.
 - b. Reviews recommended allocations and proposed United States positions from the various Food Requirements and Allocations Subcommittees.
 - c. Considers points in disagreement whenever Food Requirements and Allocations Subcommittees are unable to reach a unanimous decision. If this committee feels that an allocation decision should be altered, and the Director of Distribution as Chairman concurs, its Secretary returns a proposal to the subcommittee outlining the desired changes.
 - d. The Chairman, within limitations of foreign policy established by the Department of State, recognizes the final authority of the F. E. A. representative on questions involving distribution between various foreign claimants of U. S. exports and foreign foods.
 - e. Transmits approved recommended allocations either to (1) the War Food Administrator for his approval as a U. S. allocation, or (2) to the U. S. member on the appropriate Combined Food Board Commodity Committee to be the "U. S. position."
 - f. Gives further consideration to recommended allocations which are returned by the War Food Administrator if he disapproves the recommended allocation.
2. Food Requirements and Allocations Subcommittees. The subcommittee consists of the commodity Branch Chief or his alternate as chairman, a secretary and assistant secretary from Requirements and Allocations Control, and a membership to be determined by the chairman of the committee under the direction of the Deputy Director for Supply.

The responsibilities of the Committee are as follows:

- a. Balances the available supply of food as previously determined by the Supply Estimates Committee against the competing requests of the various claimants.

- b. Formulates tentative recommended allocations for the various commodities. These are accompanied by an economic memorandum explaining the reasons for such an allocation.
 - c. Reviews, as advisor to the U. S. members of the Combined Food Board-Commodity Committee, positions to be taken by the chairman in negotiating international allocations.
 - d. Submits approved statements of position as its recommendation for final clearance by the Food Requirements and Allocations Committee. Such submissions will list the members of the subcommittee and indicate their concurrence or exception to the proposed recommendation.
3. Supply Estimates Committees. A Supply Estimates Committee will be established for each commodity or group of commodities as needs require. The committee consists of a chairman designated by the Chief of the appropriate commodity branch, a secretary from the staff of Requirements and Allocations Control, representatives of the Office of Production and the Bureau of Agricultural Economics, appointed by their respective agencies, and such additional persons as may be deemed essential by the chairman.

The commodity Branch Chief, jointly with the executive officer of the Food Requirements and Allocations Committee, determines the commodities within his jurisdiction for which there should be an allocation. The chairman of the appropriate Supply Estimates Committee is responsible for calling meetings of the committee. The committee meets as often as necessary but not later than seven weeks before the beginning of any allocation quarter. Its responsibilities are:

- a. To revise earlier estimates for the current allocation year.
- b. To project a forecast of production, imports, and stocks for the allocation year about to begin.
- c. To develop estimates of the supplies of selected commodities expected to be available during an allocation period. These estimates are tabulated by the secretary of the Food Requirements and Allocations Subcommittee and, for purposes of allocation, become the official estimates of the WFA.

B. International Allocation Recommendations

- 1. Combined Food Board. Recommendations for the international allocation of food and related commodities are made through the Combined Food Board. The Board consists of one member each from Canada, the United Kingdom, and the United States. A chairman is appointed by the President of the United States and jointly approved by the Prime Ministers of Canada and the United Kingdom. In addition to the members of the Board, each

member nation appoints a deputy member, an executive officer, and a deputy executive officer. A secretary is named by the Board.

2. Commodity and Special Committees of the Combined Food Board. The staff work of the Combined Food Board is performed by a series of commodity committees. Each commodity committee of the Combined Food Board consists of (1) a chairman appointed by the Board, (2) three members appointed as their national representatives respectively by the Governments of Canada, the United Kingdom, and the United States, and (3) a secretary and assistant secretary, appointed by the executive officers. On occasion, consultants or observers may be invited by the several national members or, upon approval of the executive officers, by the chairman. At times it may be desirable to have acceptance of committee proposals by representatives of one or more countries outside the Board. Their failure to accept, however, does not necessarily mean that the proposal will be rejected by the committee.

Special Committees may be established from time to time to consider matters which do not fall within the scope of existing commodity committee functions.

Proposals for allocations must be unanimously agreed to by the three commodity committee members. Lacking such unanimous agreement, a memorandum explaining the points in dispute and requesting a reconciliation of them is prepared by the secretary and transmitted to the executive officers. Upon resolving such disputed points in any case, the executive officers so advise the appropriate committee. If they are unable to obtain agreement, the question is placed before the Board.

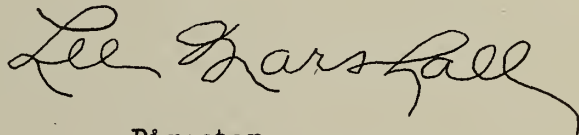
3. Recommendation of the Combined Food Board. Copies of recommendation proposals approved by the Combined Food Board are transmitted to each of the three Governments for concurrence.

- C. Relationship of National and International Allocations. The international allocation recommendation of the Combined Food Board should be made before the United States domestic allocation becomes firm. Where this cannot be done, the domestic allocation should be made consistent with principles established by the Combined Food Board, and should be made part of the American position to be taken at the Combined Food Board meeting.

III. DEPUTY DIRECTOR FOR SUPPLY: The Deputy Director for Supply will serve as the United States executive officer of the Combined Food Board. He will have staff responsibility for matters relating to (1) the assembling of food requirements of claimant agencies; (2) reviewing such requirements; (3) recommending tentative allocations to the Director; and (4) serving as vice chairman of the Food Requirements and Allocations Committee and in absence of the Director acting as its chairman.

- IV. EMERGENCY ALLOCATIONS: Emergency allocations will be made by the Deputy Director for Supply or his designee to cover emergency requests for food not provided for in the regular quarterly allocations.
- V. ALLOCATION AUDITS: Requirements and Allocations Control is assigned primary responsibility for checking on deliveries as related to allocations.

This memorandum supersedes Director's Memorandum No. 16, dated July 8, 1942, and all its Supplements, except Supplement E: "Establishment of the Inter-Agency Food Procurement Committee." Remove Director's Memorandum No. 16 and its supplements, except "E" from the manual and insert this Memorandum.

A handwritten signature in cursive script, reading "Lee Garsfall". The signature is written in dark ink and is positioned above the printed name "Director".

Director

August 23, 1943

Memorandum of Understanding Between the War Food Administration,
the Office of Price Administration, and the Office of The Quar-
termaster General With Regard to Formation and Operation of

THE POULTRY AND EGG COORDINATION BOARD

1. Need for Coordination Board.

1. The administration of war-time programs for poultry and eggs re-
quires the utmost in speed and efficiency. This is due primarily to the
following factors:

a. Production of poultry and eggs is widely distributed, and to
an exceptional degree scattered in small units throughout the country.
Under the most efficient administrative system possible, control of pro-
duction and distribution would be difficult.

b. Eggs are particularly perishable.

c. Trade and distribution channels are unusually complex and fluid.

d. Under war conditions, both products, and poultry in particular,
are moving through non-traditional channels.

2. While it is not expected that these conditions can be completely
corrected by administrative organization, it is believed that a Coordination
Board would greatly speed administrative action for the following reasons:

a. It would be a cohesive body, clothed with definite authority and
supported formally by the participating agencies.

b. It would serve to create a fuller understanding of the particu-
lar problems of each agency and provide a formal method for develop-
ing coordinated policies and concerted action.

c. It would have defined responsibilities, and could be called to-
gether at stated times in order to address itself directly to prob-
lems which are now considered either in echelon or by several groups
within the interested agencies.

d. The formal determinations and decisions of the Board would carry
much greater weight with the several administrative agencies than is
now carried by the several recommendations of particular officials,
even when these officials meet together.

11. Functions of the Board:

1. To coordinate Government procurement programs, both between agencies
and with civilian programs. Machinery will be set up to establish coordina-
tion on a basis as intimate and detailed as circumstances require. Actual

2-Exhibit Q

extent of coordination will be altered from time to time in accordance with the exigencies of the current and prospective situation. Coordination programs will be worked out within the structure of existing allocations; the functions of the Board will not supplant those of currently existing allocation organizations.

2. To Coordinate within Governmental agencies, the procurement programs of different inter-related products such as canned, frozen and eviscerated poultry and such as shell and powdered eggs.

3. To study supply and price conditions affecting poultry and egg products and to recommend actions to the appropriate agencies.

4. To develop programs concerned with civilian rationing, insofar as they affect egg and poultry programs of the Government and to recommend appropriate action to the War Food Administration and the Office of Price Administration.

5. To develop administrative programs within this agency and to take such other action, based upon formal study and determinations of the Board, as may be appropriate.

III. Recommendations of the Board:

When recommendations are made to participating agencies by the Board on unanimous vote, the participating agencies will forthwith take appropriate action to put the recommendations into effect.

IV. Organization of the Board:

1. The members of the Board shall be as follows:

a. A Chairman, who will be an authorized representative of the Food Distribution Administration of the War Food Administration, empowered to act as such.

b. A representative of the U. S. Armed Forces. Inasmuch as the Quartermaster Corps is the largest purchaser among the Armed Forces of poultry and egg products, this representative will be appointed by the Quartermaster General, with power to act for the Quartermaster General and with power delegated by the other Armed Services to act on their behalf.

c. A representative of the Food Distribution Administration, duly authorized to act for governmental purchasers of poultry and egg products other than for the Armed Forces.

d. A representative of the Civilian Food Requirements Branch of the Food Distribution Administration authorized to act on food rationing programs.

e. A duly authorized representative of the Office of Price Administration empowered to act for the Food Rationing Division.

f. A duly authorized representative of the Office of Price Administration empowered to act for the Price Division.

August 23, 1943

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a. It would be a cohesive body, clothed with definite authority and supported formally by the participating agencies.

b. It would serve to create a fuller understanding of the particular problems of each agency and provide a formal method for developing coordinated policies and concerted action.

c. It would have defined responsibilities, and could be called together at stated times in order to address itself directly to problems which are now considered either in echelon or by several groups within the interested agencies.

d. The formal determinations and decisions of the Board would carry much greater weight with the several administrative agencies than is now carried by the several recommendations of particular officials, even when these officials meet together.

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2-Exhibit Q

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b. A representative of the U. S. Armed Forces. Inasmuch as the Quartermaster Corps is the largest purchaser among the Armed Forces of poultry and egg products, this representative will be appointed by the Quartermaster General, with power to act for the Quartermaster General and with power delegated by the other Armed Services to act on their behalf.

c. A representative of the Food Distribution Administration, duly authorized to act for governmental purchasers of poultry and egg products other than for the Armed Forces.

d. A representative of the Civilian Food Requirements Branch of the Food Distribution Administration authorized to act on food rationing programs.

e. A duly authorized representative of the Office of Price Administration empowered to act for the Food Rationing Division.

f. A duly authorized representative of the Office of Price Administration empowered to act for the Price Division.

g. Such other members as may from time to time be justified by the scope of the problem involved.

2. There shall be a Secretary, appointed by the War Food Administrator, but not a member of the Board who shall be assigned the primary duty of coordinating and expediting the meeting and activities of the Board.

3. The Chairman of the Board shall preside at all meetings and shall be responsible for directing the activities of the Board in accordance with the policies determined by the War Food Administrator and for the execution of the actions taken or recommendations given by the Board. He shall have the authority to call such meetings as he deems appropriate and to employ and supervise such personnel as is necessary to the operations of the Board. He may appoint a Deputy Chairman to act in his place and stead in the event of his absence.

4. The members of the Board shall be appointed in writing by their several agencies, with full authority to act for their respective agencies within the sphere of authority and activity of the Board. They shall have the responsibility of providing to the Board information concerning the activities of their several agencies necessary to the meetings and activities of the Board. They shall participate in the discussions, deliberations and actions of the Board in the performance of its responsibility and authority and to interpret to their respective agencies the recommendations of the Board.

5. Each participating agency may, in addition, appoint alternate or auxiliary representatives to act in the absence of and in cooperation with the members of the Board in the performance of the duties and responsibilities of the Board.

V. Methods of Operation:

1. The Board shall be provided with the necessary facilities and office space. Meetings shall be held at regular intervals or from time to time, as deemed necessary by the Board and as called by the Chairman. Meetings shall be held at convenient locations as determined by the Board.

2. The Board, through its Chairman, shall have the authority to call in, at any time, representatives of producers, processors, distributors or other representatives of the poultry and egg industry, as may be deemed necessary, to serve as advisors to the Board in the conduct of its operation. The Board may, through its Chairman, request the counsel and assistance of representatives of the participating agencies and of other governmental agencies to advise and assist the Board in the conduct of its operations.

For the War Food Administration:

/s/ Paul A. Porter
Acting Administrator

For the Armed Forces:

/s/ E. B. Gregory
Quartermaster General

For the Office of Price Administration:

/s/ Chester Bowles
Administrator

August 23, 1943

September 8, 1943

INDUSTRY ADVISORY COMMITTEES

Pursuant to the understanding between Prentiss M. Brown and Marvin Jones on the mutual use of industry advice as represented by formal national industry advisory committees, the following procedures have been agreed upon by the War Food Administration and the Office of Price Administration.

I. Established Committees

When an industry advisory committee exists in either agency, the other agency in establishing a similar committee shall invite identical membership whenever possible. When an established committee, formal or informal, in either of the agencies does not have appropriate membership to meet the problems of the agency about to formalize a committee, the Food Distribution Administration, the Food Production Administration, the Food Rationing and the Food Price Divisions of the Office of Price Administration shall consider such nominations as will make the existing committee broadly representative in order to meet problems which may come before the reconstituted committee.

In case one agency deems it unnecessary to formalize a committee previously established by the other, the first agency will, nevertheless, recognize such a committee and will cooperate to the fullest extent possible in its activities.

II. New Committees

When new committees are to be appointed to meet the needs of the two agencies, joint nominations shall be made, final membership mutually agreed upon and letters of appointment mailed from each agency.

The establishment of a committee in either agency will not necessarily impose upon the other agency the establishment of a committee to cover the identical industry, or segment of an industry. It is the intention of both agencies to establish only such committees as can be useful and effective.

III. Industry Advisory Committee Meetings

The Office of Price Administration and the War Food Administration, in order to make the most effective use of industry advice, to coordinate the work of these two war agencies, to minimize the time committee members must be absent from essential industries and to save expense, will jointly establish acceptable meeting places and identical dates. Whenever the Chairman of an established committee requests either agency to call a meeting a date shall be set by both agencies within a reasonable time.

2-Exhibit R

The place of the meeting shall be determined on the basis of where agency facilities are the most adequate, information or data which the committee needs is accessible, or where other facilities seem preferable.

In preparing the agenda for the meetings and in conducting the meetings each agency will honor the special procedures of the other governing industry advisory committees.

This agreement shall be executed under the administration of the Director of the Food Price Division, the Director of the Food Rationing Division, Office of Price Administration, and the directors of the Food Distribution and Food Production Administrations.

This agreement made on September 8, 1943 by the duly appointed officers of both agencies is effective immediately.

Jean F. Carroll

Director, Food Price Division, OPA

Harold B. Rowe

Director, Food Rationing Division, OPA

J. B. Hutson

Director, Food Production Administration, WFA

Roy F. Hendrickson

Director, Food Distribution Administration WFA

October 4, 1943

INTER-AGENCY COMMITTEE ON
FOOD FOR WORKERS

Industrial Feeding Program

Agreement Regarding Objective and Responsibilities

1. Program Objective:

It shall be the objective of the industrial feeding program to provide the food needed by industrial workers to assure the highest efficiency in production.

The industrial feeding program is based on recognition of the need for supplying sufficient amounts of food in the proper variety to meet physiological requirements of workers, and agreement that, in general, such requirements can be met through the medium of institutional feeding.

It is hereby agreed that an industrial feeding program as herein described (1) is necessary because of frequently inadequate community restaurant and food shopping services, frequently unsatisfactory home food preparation facilities, increasing employment of women in industry, and problems of food distribution; (2) provides the most practical method of food distribution and control to assure consumption of food by those who need it; and (3) will, in most instances, meet any need for increased ration allowances.

The objective of the industrial feeding program shall be accomplished through coordination of the activities of the War Food Administration, War Production Board, War Manpower Commission, Office of Price Administration, and the Maritime Commission. This shall be achieved through the establishment of an Inter-Agency Committee on Food for Workers representing these agencies.

The program includes:

A. Nutrition education conducted on a national scale as a integral part of the War Food Program, enlisting the cooperation of all Federal agencies concerned, State and local government agencies and nutrition committees, and labor, management, professional and trade groups, at all levels. Nutrition education should be conducted in all war plants. Nutrition education and in-plant food service operations should be integrated.

B. The establishment of food service standards to conserve food, equipment and manpower.

C. Provision of rationed foods for workers on the basis of OPA ration allowances to individuals and to institutional users, unless such allowances are insufficient to meet physiological requirements because of non-availability of non-rationed foods, increased need or any other circumstance making it impractical to

meet requirements through an increased consumption of non-rationed foods. In such cases, supplementary allowances should be made on an institutional basis.

D. Maintenance of prices of prepared foods at reasonable levels.

E. Provision of materials, equipment and operating supplies needed for the feeding program. This involves the full use of second-hand and installed equipment.

F. Adjustment of manpower requirements for food services and for production of necessary materials, equipment and operating supplies, stabilization of employment in and training of employees for restaurants and in-plant food services where necessary.

G. Such other steps as appear necessary.

2. Responsibilities of Federal Agencies

A. The Inter-Agency Committee shall recommend and advise on overall policies affecting development of the program.

B. The War Food Administration shall have the responsibility for coordinating the activities of federal agencies relating to the industrial feeding program. It shall:-

- (1) Conduct a comprehensive program of nutrition education.
- (2) Determine food needs to meet physiological requirements.
- (3) Determine food service standards.
- (4) Consult with OPA on food rationing and price problems.
- (5) Make recommendations to WFB regarding requirements for materials, equipment and operating supplies. This shall be done with the assistance of the WFB, WMC, and the Maritime Commission
- (6) Survey and make recommendations to war plants desiring assistance in the operation of industrial feeding programs.
- (7) Receive and review all applications, certifying them to WFB as to (a) need for the installations and (b) need for specific items for efficient operation
- (8) Make recommendations to WMC regarding manpower requirements.

C. The War Production Board shall:-

- (1) Prepare a materials equipment and operating supplies program, based on requirements submitted by WFA
- (2) Act as claimant agency for the programmed requirements.
- (3) Take priorities action on applications for materials, equipment and operating supplies. No action shall be taken on any case until a recommendation from WFA has been received, unless no recommendation is received after the lapse of a reasonable time for investigation and report.

- (4) Cooperate with WFA in devising methods for bringing into use second-hand and installed equipment not used to capacity.
- (5) Cooperate with WFA in the development of equipment based on recommended food service standards.

D. The Office of Price Administration shall:-

- (1) Provide sufficient rationed food.
- (2) Be responsible for maintaining reasonable prices.
- (3) Determine the circumstances and methods under which supplemental food allowances shall be provided in accordance with the memorandum of understanding between the OPA and the Department of Agriculture, dated February 12, 1943.

E. The War Manpower Commission shall:-

- (1) Determine manpower requirements, receiving recommendations from WFA and WPB.
- (2) Be responsible for recruitment and training programs.
- (3) Take necessary steps to stabilize employment.

F. The Maritime Commission shall:-

- (1) Assist in the preparation of recommendations regarding equipment and manpower requirements of the program.

It is understood that working relationships established between the WFA and federal agencies not represented on the committee shall be continued in effect and shall be extended as deemed desirable by War Food Administration.

This agreement adopted by the Inter-Agency Committee on Food for Workers, October 4, 1943.

Approved by:

/s/ Marvin Jones

War Food Administration

/s/ Donald M. Nelson

War Production Board

/s/ Paul V. McNutt

War Manpower Commission

/s/ Chester Bowles

Office of Price Administration

/s/ E. S. Land

United States Maritime Commission

Exhibit T

December 11, 1943

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF AGRICULTURE
AND THE
OFFICE OF PRICE ADMINISTRATION
RELATIVE TO FARM AND FOOD PRICES

* * * *

In order to assure a close working relationship between the Department of Agriculture and the Office of Price Administration on all matters affecting farm and food prices, the following procedure is agreed to by both agencies:

1. The Office of Price Administration will secure the signature of the Secretary of Agriculture to all regulations which relate to the establishment of price ceilings on agricultural commodities, as provided in the Emergency Price Control Act of 1942, the Act of October 2, 1942 (Pub. Law 729, 77th Cong.), and Executive Order No. 9250, October 3, 1942.
2. The Office of Price Administration may consult with the technical staff of the Department of Agriculture with regard to proposed price ceilings on processed commodities. The Office of Price Administration will also notify a designated representative of the Secretary of Agriculture of any contemplated ceiling which the Price Administrator has reason to believe will directly and substantially affect the procurement, production, or subsidy operations of the Department of Agriculture. Unless the Secretary of Agriculture enters an objection, the Office of Price Administration may proceed as usual. If, however, the Secretary enters an objection to the issuance of the proposed ceiling, the matter shall be referred to the Economic Stabilization Director. If, on the other hand, the Office of Price Administration is of the opinion that there is no reason to believe that the contemplated ceiling will directly and substantially affect the procurement, production or subsidy operations of the Department of Agriculture, its docket shall contain a statement to that effect.
3. The Department of Agriculture may consult with the technical staff of the Office of Price Administration in connection with its marketing agreements, orders and support price program. The Department of Agriculture will also notify a designated representative of the Price Administrator of any contemplated agreement, order or support price program which it has reason to believe will require a price ceiling adjustment. Unless the Price Administrator enters an objection to the proposed action, the Department of Agriculture will proceed as usual. If the Price Administrator enters an objection to the proposed action, the matter shall be referred to the Economic Stabilization Director. If, on the other hand, the Department of Agriculture is of the opinion that there is no reason to believe that its proposed action will require a price ceiling adjustment, a statement to that effect shall be contained in the Department of Agriculture's docket. Whenever there

2- Exhibit T

is reason to believe a price ceiling adjustment will be required and the Price Administrator nevertheless agrees to the proposed ceiling, the docket will contain a statement of such agreement.

4. All matters referred to in 1, 2 and 3 above will, insofar as practicable, be submitted by the initiating agency to the approving agency in sufficient time to permit the technical staff of the approving agency carefully to analyze such matters.
5. If any program referred to in 1, 2 or 3 will, in the opinion of the agency which initiates such program, necessitate a subsidy in order to maintain a then existing or contemplated price ceiling, the nature and amount of such subsidy will be agreed upon by the Secretary of Agriculture and the Price Administrator before the action necessitating the subsidy is taken. However, if the agency which initiates such program is of the opinion that the program must be put into effect promptly, it may proceed with such program, unless the other agency objects, in which case the matter shall be referred to the Economic Stabilization Director. All subsidy programs shall be approved by the Economic Stabilization Director before they become effective.
6. With respect to producers' prices for fluid milk, under the Agricultural Marketing Agreement Act of 1937, it is the duty of the Secretary of Agriculture only to fix producers' prices, and as a result, the Department does not receive detailed evidence of handlers' margins at hearings conducted under the Act. Milk producers' prices so fixed may directly and substantially affect price ceilings on wholesale and retail fluid milk and cream. Where this is so, the Department's hearings with respect to producers' prices may be followed immediately by hearings conducted by the Office of Price Administration for the purpose of determining the extent to which handlers' margins are affected and some form of action is required. The technical staff of the Department, insofar as practicable, will be available to assist in gathering information and in analyzing the evidence received at such OPA hearings. Before any change is announced in producers' prices under a Federal milk-marketing order, the Secretary and the Price Administrator will agree as to the effect of such order on handlers' margins and as to whether a subsidy, adjusted price ceilings or some other form of action is required.
7. Although every effort will be made by the Secretary and the Price Administrator to solve these problems jointly affecting their agencies without the necessity of reference to the Economic Stabilization Director, it is recognized that agreement may not always be possible. In case of disagreement, the Secretary and the Price Ad-

ministrator will submit their views in writing to the Economic Stabilization Director, sending copies to each other. The decision of the Economic Stabilization Director with respect to such disagreement shall be final.

/s/ Claude R. Wickard
Secretary of Agriculture

/s/ Leon Henderson
Administrator, Office of Price
Administration

APPROVED:

/s/ James F. Byrnes
James F. Byrnes, Director,
Office of Economic Stabilization

December 11, 1942
Date

EXHIBIT U

MEMORANDUM OF UNDERSTANDING FOR THE PURPOSE
OF IMPLEMENTING EXECUTIVE ORDER NO. 9385 AND
FOR OTHER RELATED PURPOSES

1. Transfer of Contracts: Effective January 1, 1944, and subject to section 3 hereof: Commodity Credit Corporation does hereby assign, sell and transfer to U. S. Commercial Company, its successors, and assigns, without recourse, representation or warranty, all its right, title and interest in and to all contracts, agreements (except coffee Purchasing Agency Agreements), promissory notes and mortgages (hereinafter sometimes referred to as "contracts") for or in connection with the procurement of food, food machinery and food facilities, Pyrethrum, Rotenone, and Loofa Sponges in foreign countries; and U. S. Commercial Company does hereby assume all obligations of Commodity Credit Corporation in connection with, and agrees to hold Commodity Credit Corporation harmless against all claims or charges arising under or in connection with the contracts. As soon as practicable after the execution hereof, Commodity Credit Corporation shall deliver to U. S. Commercial Company a schedule of the contracts and the originals thereof.

2. Transfer of Materials: Effective January 1, 1944, and subject to section 3 hereof: Commodity Credit Corporation does hereby assign, sell and transfer to U. S. Commercial Company, its successors and assigns, without recourse, representation or warranty, all its right, title and interest in and to:

- (a) food (except coffee purchased under Purchasing Agency Agreements), food machinery and food facilities in foreign countries or afloat; and
- (b) all Pyrethrum, Pyrethrum seed, Rotenone, Loofa Sponges, Peruvian Flax Fiber and Tow, Coffee (except coffee purchased under Purchasing Agency Agreements), Tea and Cocoa in the United States of America, in foreign countries or afloat;

and U. S. Commercial Company does hereby assume all obligations of Commodity Credit Corporation in connection with and agrees to hold Commodity Credit Corporation harmless against all claims or charges in connection with the materials so transferred (hereinafter sometimes referred to as "materials").

3. Charges, Claims and Adjustments: (a) All charges, claims and adjustments arising under the contracts with respect to materials disposed of by Commodity Credit Corporation to third persons prior to January 1, 1944, or with respect to materials which are not sold, assigned and transferred to U. S. Commercial Company hereunder, shall be for the account of Commodity Credit Corporation. All other adjustments, claims and charges arising under the contracts or with respect to materials procured thereunder shall be for the account of U. S. Commercial Company on and after January 1, 1944;

(b) Unless and until Commodity Credit Corporation and U.S. Commercial Company shall otherwise agree: (i) Commodity Credit Corporation or U.S. Commercial Company, as the case may be, shall handle adjustments, claims and charges which are wholly for its own account; (ii) adjustments, claims or charges which are partly for the account of Commodity Credit Corporation and partly for the account of U. S. Commercial Company shall be handled jointly by Commodity Credit Corporation and U. S. Commercial Company.

4. Establishment of Credit: (a) As soon as practicable after the execution hereof, and in no event later than February 1, 1944: The U. S. Commercial Company (i) shall arrange for the establishment of new letters of credit and the substitution thereof for letters of credit established for Commodity Credit Corporation for effecting payments made after December 31, 1943, under the contracts; or (ii) shall enter into agreements satisfactory to Commodity Credit Corporation with the banks which established such letters of credit for Commodity Credit Corporation for the assumption by U. S. Commercial Company of all the obligations of Commodity Credit Corporation to such banks for or in connection with payments made after December 31, 1943, under such letters of credit for materials purchased under the contracts. All payments made after December 31, 1943, in connection with letters of credit established for Commodity Credit Corporation shall be for the account of U. S. Commercial Company.

(b) Except for (i) payments under letters of credit established for Commodity Credit Corporation which are made after December 31, 1943, and prior to the establishment of new letters of credit for U. S. Commercial Company or to the taking over by U. S. Commercial Company of the letters of credit established for Commodity Credit Corporation, as provided in subsection (a) above, and (ii) payments in connection with charges, claims and adjustments wholly or partially for the account of Commodity Credit Corporation as provided in section 3 hereof, U. S. Commercial Company shall, on and after January 1, 1944, make all payments due in connection with the contracts and materials.

5. Reimbursement: U. S. Commercial Company shall reimburse Commodity Credit Corporation for amounts paid (including interest, commissions, charges, and direct expenses incident thereto) by Commodity Credit Corporation for the account of U. S. Commercial Company on and after January 1, 1944, in connection with letters of credit established for Commodity Credit Corporation. Such reimbursement shall be made upon presentation to U. S. Commercial Company of an invoice covering such amount paid. Such invoice shall be presented by Commodity Credit Corporation as soon as practicable after February 1, 1944.

6. Price of Materials and Promissory Notes to U. S. Commercial Company: (a) U. S. Commercial Company shall pay to Commodity Credit Corporation for the materials an amount equal to the total amount paid out by Commodity Credit Corporation prior to January 1, 1944, with respect thereto, including the purchase price, the ocean freight, and the estimated amount (as agreed upon by U. S. Commercial Company and Commodity Credit Corporation) of the insurance, drayage, dockage, handling, storage and other costs paid.

(b) U. S. Commercial Company shall pay to Commodity Credit Corporation for promissory notes, an amount equal to the unpaid principal thereof, plus accrued interest to January 1, 1944.

7. Settlement: (a) Provisional settlement for the materials shall be made by U. S. Commercial Company at the prices specified in Schedule A attached hereto, promptly upon presentation of invoices together with warehouse receipts, bills of lading, or delivery orders, in the case of materials stored in the United States, or copies of directions to Commodity Credit Corporation's representatives in foreign countries to have warehouse receipts reissued or transferred in the name of U. S. Commercial Company, in the case of materials stored abroad.

(b) Final settlement for materials shall be made upon the basis of invoices for the price of such materials determined in accordance with section 6 above. Such invoices shall be presented as soon as practicable after January 1, 1944. Final settlement for promissory notes shall be made upon delivery of such promissory notes.

8. Directives: It is contemplated that, so far as practicable, food, food machinery, and food facilities imported for United States consumption, pursuant to the contracts or War Food Administration directives issued under Executive Order No. 9385, which are to be stockpiled, will be transferred and delivered to the War Food Administration in warehouse, after issuance of warehouse receipts therefor, at the lower of the ceiling price or the market price in effect at the time and place of delivery, less an allowance to cover handling, carrying and marketing cost. Other food, food machinery, and food facilities imported for United States' consumption, pursuant to the contracts or War Food Administration directives issued under Executive Order No. 9385, will be sold by U. S. Commercial Company to the trade or to processors, as War Food Administration may from time to time instruct.

9. Transfer of Personnel and Performance of Services: On January 1, 1944, personnel of Commodity Credit Corporation falling within the following categories shall be transferred to the rolls of the Foreign Economic Administration:

- (a) Employees whose official stations are Washington, D. C., and whose names appear on Schedule B attached hereto.
- (b) Employees whose official stations are outside the continental United States with the exception of those persons in the Caribbean Area who are assigned to Commodity Credit Corporation sugar programs. A list of such employees under formal appointment shall be forwarded to the Foreign Economic Administration. Commodity Credit Corporation shall continue to pay such foreign personnel and expenses incident thereto until March 1, 1944, unless otherwise notified by Foreign Economic Administration, subject to reimbursement by Foreign Economic Administration for such expenditures pursuant to the provisions of 601 of the Economy Act (31 U.S.C. § 686).

On and after January 1, 1944, and until such time as either the Foreign Economic Administration or Commodity Credit Corporation requests a separation of the business of such New York office or the Director of the Bureau of the Budget directs such separation, the employees of the New York Regional Office of Commodity Credit Corporation shall act jointly for the Foreign Economic Administration and Commodity Credit Corporation. Pursuant to the provisions of Section 601 of the Economy Act (31 U.S.C. § 686) the Foreign Economic Administration shall reimburse Commodity Credit Corporation monthly for services performed by such New York office for the Foreign Economic Administration.

10. Transfer of Office and Laboratory Equipment and Supplies:

(a) Effective January 1, 1944, all office and laboratory equipment and supplies of Commodity Credit Corporation in foreign countries is hereby transferred to the Foreign Economic Administration. The Foreign Economic Administration shall pay to Commodity Credit Corporation the Commodity Credit Corporation book value thereof upon a presentation of an invoice therefor.

(b) In the event of the separation of the business of the New York Regional Office pursuant to section 9 hereof, the Foreign Economic Administration and the Commodity Credit Corporation shall agree as to the office and laboratory equipment and supplies of the New York office which shall be transferred to the Foreign Economic Administration; and the Foreign Economic Administration shall pay to Commodity Credit Corporation the Commodity Credit Corporation book value of the equipment and supplies so transferred upon a presentation of an invoice therefor.

11. Records and Files: As soon as practicable, all of Commodity Credit Corporation's records and files necessary to the servicing of the contracts and the materials or relating to personnel transferred to the Foreign Economic Administration shall be transferred to the Foreign Economic Administration. Until such transfer, such records and files shall at all reasonable times be accessible to representatives of the Foreign Economic Administration, and after such transfer, such records and files shall at all reasonable times be accessible to representatives of Commodity Credit Corporation.

12. Additional Instruments: Commodity Credit Corporation shall, upon request of the U. S. Commercial Company, execute and deliver, from time to time, such further instruments as may be proper or necessary for the more effectual vesting in it of the rights, titles, and interests hereby intended to be transferred, sold and assigned.

13. Modifications: (a) In the event of special circumstances coming to the attention of the parties hereto after the execution hereof in connection with any of the contracts or materials, Commodity Credit Corporation and U. S. Commercial Company may agree to a modification of the terms hereof with respect to such contracts or materials.

5-Exhibit U

(b) Any disagreement respecting the meaning or operation of this Memorandum of Understanding which cannot be settled by Commodity Credit Corporation and U. S. Commercial Company, shall be determined by the Director of the Bureau of the Budget.

14. Definitions: As used in this Memorandum of Understanding

(a) the word "food" shall have the meaning set forth in paragraph 10 of Executive Order No. 9280 of December 5, 1942, exclusive of sugar purchased in the Caribbean area, and

(b) the words "foreign countries" shall be deemed to exclude the Dominion of Canada.

For:

FOREIGN ECONOMIC ADMINISTRATION
U. S. COMMERCIAL COMPANY

/s/ Leo T. Crowley,
Leo T. Crowley, Administrator,
Foreign Economic Administration
President, U. S. Commercial Company

For:

WAR FOOD ADMINISTRATION
COMMODITY CREDIT CORPORATION

/s/ J. B. Hutson
J. B. Hutson, President
Commodity Credit Corporation

/s/ Grover B. Hill
Grover B. Hill, Acting Administrator
War Food Administration

APPROVED:

/s/ Harold D. Smith
Director, Bureau of the Budget

12/30/43

July 19, 1944

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE WAR FOOD ADMINISTRATION AND THE FOREIGN ECONOMIC ADMINISTRATION
CONCERNING THE CONDUCT OF THE FOREIGN FOOD PROGRAM OF THE UNITED STATES

I. Principles

The War Food Administration and the Foreign Economic Administration adopt the following principles as the basis of this agreement:

1. The War Food Administration has the sole responsibility for production, allocation and distribution and purchase of all domestic food supplies.
2. The Foreign Economic Administration has the U. S. responsibility for determination of requirements as between foreign countries, production, purchase and distribution of food from foreign sources, and also acts as sole claimant before the War Food Administration for domestic food for foreign use.
3. The American member of the Combined Food Board is the U. S. Government representative on that Board, and as such represents the viewpoint determined by each Government agency within its sphere of responsibility. In arriving at international understandings with respect to allocations of food, both the War Food Administration and the Foreign Economic Administration utilize the facilities of the Board.

II. Operations

In order to implement the understanding between the War Food Administration and the Foreign Economic Administration reflected in the agreement on general principles set forth in I. hereof, the War Food Administration and the Foreign Economic Administration agree upon the following operating principles:

1. Import requirements of foreign countries shall be presented to the FEA and in appropriate cases to the Combined Food Board simultaneously. These requirements shall be accompanied by all supporting data.
2. FEA examines these requirements to determine the legitimacy of the need, the possibility of alternate sources of supply, the relation to other foreign requirements, the consistency of the requirements with the foreign policy of the United States, and their validity in relation to other appropriate considerations.
3. FEA presents to the U. S. Requirements and Allocations Committee the total requirements of foreign countries from U. S. supply with a full statement of justification and appropriate breakdowns as determined by the FEA and WFA.

4. The U.S. Requirements and Allocations Committee balances FEA claims with those of other claimants and determines the total amount of U. S. supply to be made available to meet these foreign claims, and recommends allocations to War Food Administration and, in appropriate cases, to the Combined Food Board.

5. The Chairman of the U. S. Requirements and Allocations Committee is responsible for the position of the U. S. Government with respect to the total amount of U. S. supply to be made available to foreign claimants. The FEA member of the U. S. Requirements and Allocations Committee is responsible for the position of the U. S. Government with respect to the allocation of U. S. supply as between foreign claimants. This position will only be arrived at on the basis of full consideration of the position of other members of the U. S. Requirements and Allocations Committee.

The position arrived at by this Committee becomes the U. S. position in the Combined Food Board. If the Combined Food Board recommends a modification of an allocation, the recommendation is referred back to the U. S. Requirements and Allocations Committee.

The FEA may change the destination of food allocated by the U. S. Requirements and Allocations Committee to foreign claimants on the basis of substantially new conditions arising after the determination of the original allocation. The FEA will keep the Committee currently advised of such changes.

6. The Combined Food Board receives these final allocations from the U. S. Requirements and Allocations Committee through the U. S. member (War Food Administrator) and then recommends disposition of supply of third countries to fill needs of members and other third countries. The U. S. member of the Combined Food Board is guided in these determinations by the U. S. Requirements and Allocations Committee which in turn receives the authoritative U. S. position from the FEA member with respect to allocations of supply from third countries.

7. The final Combined Food Board recommendations on sources of supply are the bases for WFA directives to FEA for purchase abroad for import into U. S. and for FEA programs for purchase abroad to meet needs in foreign countries.

III. Further Details

The War Food Administration and the Foreign Economic Administration recognize that the prompt and orderly carrying out of the principles set forth in this agreement requires continuing collaboration in the application of this agreement and in the resolution of questions not specifically dealt with in this agreement. In order to facilitate agreement on those questions, the War Food Administration agrees to designate one person from its Office of Distribution and the Foreign Economic Administration agrees to designate one person from its Office of Food Programs, who shall have the continuing responsibility of considering questions relating to operations in conformity with this agreement.

It is our intention to disrupt existing mechanisms as little as possible and to make procedural changes only to the extent necessary to provide conformance with the spirit and working of this memorandum of understanding.

Approved this 19th day of July, 1944

/s/ Marvin Jones

Marvin Jones, Administrator
War Food Administration

Approved this 19th day of July, 1944

/s/ Leo T. Crowley

Leo T. Crowley, Administrator
Foreign Economic Administration

C
O
P
Y

Exhibit W

December 26, 1942

Hon. Ernest Kanzler
Director General for Operations
War Production Board
Washington, D. C.

Dear Mr. Kanzler:

In order to effectuate the understandings which have been reached between the War Production Board and the Department of Agriculture as to working relationships under Executive Order 9280, you are hereby authorized to exercise the authority and discretion, and to perform the duties which I am authorized to exercise and perform under the provisions of Executive Order 9280, in the following classes of cases:

1. The issuance of new orders regulating the production and distribution of food for human and animal consumption, but only when the issuance of such orders is specifically requested by the Department of Agriculture.
2. The issuance of amendments, supplements and revocations of orders heretofore or hereafter issued in your name regulating the production and distribution of food for human and animal consumption.
3. The administration of any order, amendment, or supplement of the kinds described above, including the issuance of interpretations and special rules, regulations or directions under such orders, the allowance or denial of appeals, the granting of particular authorizations, allocations and similar actions.

All of the foregoing actions may be taken either in your own name or in the name of such other officials or persons as may be or may heretofore have been specifically designated by you for such purpose.

All actions of the kind described in this letter which have been heretofore taken in your name, with or without specific authorization from the undersigned, are hereby ratified and confirmed and shall remain in full force and effect until specifically amended, revoked or superseded, or until they expire by their terms.

Sincerely yours,

/s/ Claude R. Wickard

Secretary of Agriculture

Exhibit X

EXECUTIVE OFFICE OF THE PRESIDENT

Bureau of the Budget

Washington, D. C.

February 15, 1943

My dear Mr. Wickard:

On January 8, 1943 I made certain determinations with regard to transfers from the War Production Board to the Department of Agriculture of personnel, property, records and funds as required by Executive Order 9280.

At the request of the Interdepartmental Transfer Committee no determination was made at that time with regard to the Textile Clothing and Leather Division. In the case of this Division, there was agreement that no transfers should be made "with the possible exception. . . of the Raw Cotton, Raw Wool, and Cordage Fibers Sections, where further technical advice is needed."

Since that time, study has been given the Sections named, by a joint War Production Board, Department of Agriculture, and Bureau of the Budget staff, and agreement has been reached with regard to the division of some functions of the above Sections between the War Production Board and the Department of Agriculture. With these agreements I concur.

It is my understanding that complete agreement was not reached as to certain functions and responsibilities related to requirements and allocations, imports, and stockpiles of cotton, wool, flax, and hemp.

Under Section 10 of Executive Order 9280 cotton, wool, hemp, and flax fiber are termed "food" for purposes of the Order. It is, therefore, evident that, as in the case of other food, the Secretary of Agriculture has full responsibility for ascertaining the requirements for cotton, wool, hemp, and flax, to meet the direct and indirect military, other governmental, and civilian needs. He is further charged with formulating and carrying out a program designed to furnish a supply adequate to meet such requirements. Such a program would of necessity include the determination of the amounts of each commodity to be produced domestically, the amounts to be imported, and the amounts to be stockpiled to meet contingencies.

With regard to imports, however, attention is drawn in a brief submitted by the Department to the Interdepartmental Transfer Committee and also in an agreement of the Department with the Board of Economic Warfare, dated February 10, 1943, to the following provisions of Section 5 of Executive Order 9280:

"With respect to the issuance of the directives for the importation of food heretofore issued to the Board of Economic Warfare by the Chairman of the War Production Board under Executive Order No. 9128 of April 13, 1942 . . . the Chairman of the War Production Board and the Secretary shall jointly issue those directives which relate to the importation of food for industrial uses."

Under this procedure these directives, which involve the quantities, specifications, delivery time, schedules and priorities for imports, cannot be issued without the concurrent agreement of the Agriculture Department. Indeed, in view of the Department's basic responsibility for the total program, such directives would normally originate in the Department.

Specific transfers of personnel from the Raw Cotton, Raw Wool, and Cordage Fibers Sections do not appear to be feasible or justified, however, since only a part of the time of each of the small number of employees concerned is devoted to the relevant operations. Accordingly, even though certain functions have been transferred to the Secretary of Agriculture under Executive Order 9280, I am not determining at this time any related transfers of personnel, property, records, or funds from the Textile Clothing and Leather Division.

In carrying out the above operations as in the case of all food commodities which are used for industrial purposes, it will be necessary for the Department of Agriculture and the War Production Board to work out in detail the working relationships and assignment of responsibilities. The handling of stockpiles and allocations to other than domestic civilian uses should be among the first problems to be resolved by specific agreement between the two agencies. The Bureau of the Budget will gladly assist in this connection if you wish.

Very truly yours,

Honorable Claude R. Wickard
Secretary of Agriculture
Washington, D. C.

(s) Harold D. Smith
Director

Exhibit Y

February 23, 1943

My dear Mr. Wickard:

On January 8, 1943, I made certain determinations with regard to transfers from the War Production Board to the Department of Agriculture of personnel, property, records, and funds as required by Executive Order 9280.

At the request of the Interdepartmental Transfer Committee no determination was made at that time with regard to that part of the Pharmaceutical, Glandular and Vitamins Unit of the Drugs and Cosmetics Section of the Chemicals Division concerned with vitamins, which was "to be subject to further study and negotiation."

Since then, study has been given this unit by a joint War Production Board, Department of Agriculture, and Bureau of the Budget staff, and agreement has been reached with regard to the division of some functions of this unit between the War Production Board and the Department of Agriculture. With these agreements I concur.

It is my understanding that complete agreement was not reached as to certain functions and responsibilities related to requirements, allocations, and distribution of vitamins.

Section 10 of Executive Order 9280 does not include vitamins specifically in the definition of "food." However, vitamins are essential to the diet of humans and animals as a nutritive force, and are therefore complementary to food. Under Section 10 of Executive Order 9280 by definition "The term 'food' shall mean all commodities and products, simple, mixed, or compound, or complements to such commodities or products that are or may be eaten or drunk by either humans or animals, irrespective of other uses to which such commodities or products may be put."

The great bulk of vitamin use falls within two classifications:

1. The inclusion in processed food, commonly referred to as "fortifications," for purposes of supplementing the vitamin deficiencies of food for humans and animals.
2. The so-called pharmaceutical uses, or the use of vitamins in tablets, or other forms, primarily to overcome vitamin deficiencies of diet. A small percentage of vitamins have strictly medicinal uses, much the same as drugs.

Under the terms of Executive Order 9280, there can be no convincing delineation between the two classifications outlined above. Fundamentally, there is no difference between the use at the table of vitamins which have been incorporated in food by fortification processes, and the use at the table of unfortified food supplemented by vitamins in tablet or other forms. In both cases, the objective is that of meeting deficiencies in food and such complements are clearly "food" within Executive Order 9280. It is thus apparent that vitamins for fortifying food and for "pharmaceutical" uses are subject to the powers and responsibilities of the Secretary of Agriculture under the Order.

Vitamins for pharmaceutical uses, however, are distributed through trade channels coming within the jurisdiction of the War Production Board. The Department of Agriculture has indicated that it does not desire to control the distribution of vitamin tablets to the various distributors, nor to regulate the preparation and sale of such tablets beyond determining by the allocation process the total of vitamins to be used in such tablets for domestic civilian consumption.

Proceeding then from Executive Order 9280 and the above position of the Department of Agriculture, it is clear that the Secretary of Agriculture has full responsibility for ascertaining all requirements for vitamins - domestic and international, fortification and pharmaceutical. He would accept as authoritative the determination of the Chairman of the War Production Board concerning requirements for domestic pharmaceutical and medicinal uses as described above, recognizing the War Production Board as claimant for vitamins for these uses.

The Secretary of Agriculture is further charged with formulating and carrying out a program to furnish a supply adequate to meet all requirements. In doing so he would determine the vitamin program including the allocation of vitamins to fortification and pharmaceutical uses. In the case of the domestic civilian use of pharmaceutical vitamins, the Department of Agriculture after making the general allocation for this use would leave control over distribution of these vitamins to the War Production Board.

Specific transfers of personnel from the Pharmaceutical, Glandular and Vitamins Unit of the Drug and Cosmetics Section of the Chemical Division do not appear to be feasible, on which point I understand there is mutual agreement. Accordingly, even though certain functions have been transferred to the Secretary of Agriculture under Executive Order 9280, I am not determining at this time any related transfers of personnel, property, records, or funds from the Chemical Division.

In carrying out the above operations, it will be necessary for the Department of Agriculture and the War Production Board to work out in detail the working relationships and assignments of responsibility. The Bureau of the Budget will gladly assist in this connection if you wish.

•Very truly yours,

/s/ Harold D. Smith

Director

Honorable Claude R. Wickard
Secretary of Agriculture
Washington, D. C.

March 25, 1943

OPINION FOR ROY F. HENDRICKSON
Director of Food Distribution

Attention: C. T. Prindeville, Chief, Edible Oils
Division Fats and Oils Branch

Dear Mr. Hendrickson:

This refers to your memorandum of March 8, 1943, in which you have asked the following questions in connection with Food Distribution Regulation 1:

1. Can a WPB priority rating be extended to an edible fat or oil, a strictly inedible fat or oil, or to a fat or oil product, such as soap, fatty acids, etc. that are made from either edible or inedible fats or oils?
2. Can an Army priority be similarly extended to a fat or oil, or to a fat or oil product; and would it make any difference whether the fat or oil was edible or inedible?

In answer to your questions, it will be helpful to determine first which fats and oils, and products of fats and oils, are included within the scope of Food Distribution Regulation 1, issued March 6, 1943, relating to food priorities. The regulation provides that priority ratings may be assigned to contracts, purchase orders, or deliveries concerning food (§ 1595.1 (b)). The term "food" is defined in the order to mean, "all commodities and products, simple, mixed, or compound, or complements to such products, that are or may be eaten or drunk by either humans or animals, irrespective of other uses to which such commodities or products may be put, and at all stages of processing from the raw commodity to the product thereof in a vendible form for immediate human or animal consumption, and including all starches, sugars, vegetable and animal fats and oils" (§ 1595.1 (a) (2)).

Since edible fats and oils and their products are included in the definition without the last clause, "and including all . . . vegetable and animal fats and oils", there seems to be no doubt but that a food priority rating can be assigned to any edible fat or oil, or to any edible product of a fat or oil. If the last clause is to have any meaning, we must assume that it was included to add something not theretofore a part of the definition; namely, all inedible vegetable and animal fats and oils. But the words of this clause cannot be enlarged to include their products. It is a well established rule of statutory construction that definitions should be given no wider meaning than is absolutely necessary. Crawford, Statutory Construction (1940), § 208.

As you know, the Secretary does not alone exercise the authority to issue priority ratings. Originally, all authority for issuing priori-

ties stems from the legislative authority given to the President, 1/ and he, in turn, by Executive Order, has delegated this authority to the Chairman of the War Production Board 2/ and the Secretary of Agriculture. 3/ In cases where the priority ratings do not relate to "food," as that term is defined in Executive Order 9280 (for the purpose of answering your questions, the definition of food contained in Exec. Order 9280 and Food Distribution Regulation 1 are the same), the War Production Board is authorized to regulate and control the assignment and extension of priority ratings.

Following the above interpretation, the answer to your first question is that a War Production Board priority rating may not be originally assigned or extended by the War Production Board to an edible fat or oil, or any edible product thereof such as glycerine, or to an inedible fat or oil. This authority rests with the Secretary. However, it is our opinion that a War Production Board priority may be assigned or extended by the War Production Board in those cases in which the fat or oil has ceased to be a fat or oil and has been processed into an inedible product, such as soap, fatty acids, or cutting oils.

The answer to your second question is the same as the answer to the first. The person receiving the priority rating, whether it is the Army, the War Production Board, or any other governmental agency, does not alter the power of the person authorized to issue the priority ratings.

Sincerely yours,

/s/ Donald J. Sherbondy
Donald J. Sherbondy
Acting Solicitor

1/ Section 2(a) of Public Law 671, 76th Congress (56 Stat. 176), approved June 28, 1940, as amended by Public Law 89, 77th Congress, approved May 31, 1941, and Public Law 507, 77th Congress, approved March 27, 1942.

2/ Executive Order 9024, January 16, 1942; Executive Order 9040, January 24, 1942; Executive Order 9125, April 7, 1942.

3/ Executive Order 9280, December 5, 1942.

EXHIBIT AA

April 14, 1943

My dear Mr. Davis:

On January 8, 1943, I made certain determinations with regard to transfers from the War Production Board to the Department of Agriculture of personnel, property, records, and funds as required by Executive Order 9280.

At the request of the Interdepartmental Transfer Committee determination was made at that time in regard to the Beverages and Tobacco Division that no personnel be transferred pending further study.

Recently the War Production Board and the Administration of Food Production and Distribution in the Department of Agriculture have reached agreement that the entire division should be transferred.

Therefore, I am approving the recommendation of the Interdepartmental Transfer Committee that the personnel, property, records and funds of the Beverages and Tobacco Division of the War Production Board be transferred to the Administration of Food Production and Distribution in the Department of Agriculture. This transfer should take effect as of 12:01 A. M., April 18, 1943.

We appreciate the cooperative spirit shown in both agencies in having come to an agreement regarding these transfers.

Very truly yours,

(s) Wayne Coy

Assistant Director

Honorable Chester Davis
Administrator of Food Production and Distribution
Department of Agriculture
212 West Administration Building
Washington, D. C.

EXHIBIT BB

Food Production and Distribution Administration

April 19, 1943

Mr. Donald M. Nelson, Chairman
War Production Board
Washington, D. C.

Dear Mr. Nelson:

In order to effectuate the understanding which has been reached between the War Production Board and this Administration as to the working relationship with respect to the Beverages and Tobacco Division of the War Production Board under Executive Orders Nos. 9280 and 9322, and the determination of the Bureau of the Budget contained in Mr. Coy's letter of April 14, 1943, you are hereby authorized to exercise the authority and discretion and to perform the duties which the Administrator is authorized to exercise and perform under the provisions of said Executive Orders, in the following instances:

1. - The issuance of new orders regulating the processing and distribution of those products normally handled by the Beverages and Tobacco Division, but only when the issuance of such orders is specifically requested by this Administration.
2. - The issuance of amendments, supplements, and revocations of orders heretofore or hereafter issued by the War Production Board regulating the processing and distribution of those products normally handled by the Beverages and Tobacco Division.
3. - The administration of any order, amendment, or supplement of the kind described above, including the issuance of interpretations and special rules, regulations, or directions under such order, the allowance or denial or appeals, the granting of particular authorization, allocations and similar action.

All of the foregoing actions may be taken either in your own name or in the name of such other officials or persons as may be or may heretofore have been specifically designated by you for such purpose.

2-Donald M. Nelson

All actions of the kind described in this letter which have been heretofore taken in the name of the War Production Board or any of its officials, are hereby ratified and confirmed and shall remain in full force and effect until specifically amended, revoked, or superseded, or until they expire by their terms.

The authority herein conferred shall continue to July 1, 1943, unless sooner terminated by this Administration. During the life of this authorization, the Beverages and Tobacco Division shall continue under its own name, in its present quarters, and subject to the same general administrative supervision as heretofore: Provided, however, That any determination of policy the effect of which will continue beyond June 30, 1943, shall be submitted for approval to this Administration.

This Administration desires to express to you its appreciation of your willingness to undertake to continue the duties above outlined, and to thank you for your splendid cooperation in this matter.

Sincerely yours,

/s/ Chester Davis

Administrator

EXHIBIT CC

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SOLICITOR
WASHINGTON, D. C.

April 24, 1943

To: Secretary of Agriculture and War Food Administrator
From: Robert H. Shields, Solicitor
Subject: Executive Order 9334, amending Executive Order 9322

Executive Order 9334 of April 19, 1943, a copy of which is attached, was prepared jointly by representatives of the Department of Justice, the Bureau of the Budget, the Office of Economic Stabilization, and this office in order to cure certain apparent defects in Executive Order 9322 of March 26, 1943, "Centralizing and Delegating Authority with respect to the Production and Distribution of Food".

Section 1 of the order changes the name of the Administration of Food Production and Distribution, which was created by Executive Order 9322, to "War Food Administration", and places such Administration under the direction and supervision of a "War Food Administrator". In addition, section 1 makes it clear that all powers, functions and duties of the various agencies consolidated -- the Food Production Administration (exclusive of the Farm Credit Administration), the Food Distribution Administration, the Commodity Credit Corporation, and the Extension Service -- are placed in the War Food Administration.

Section 2 of the order, like the original Executive Order 9322, transfers from the Secretary of Agriculture to the War Food Administrator all powers, functions and duties of the Secretary under Executive Order 9280 of December 5, 1942, and under Title IV of Executive Order 9250 of October 3, 1942, and the Secretary's powers, functions and duties with respect to labor and manpower under orders of the Economic Stabilization Director and the Chairman of the War Manpower Commission. Unlike the original Executive Order 9322, however, the order expressly transfers to the War Food Administrator all the Secretary's powers, functions and duties which relate to or which have heretofore been exercised through or in connection with the agencies consolidated into the War Food Administration. Thus, the powers conferred by the Agricultural Adjustment Act of 1938, the Agricultural Marketing

2-Secretary of Agriculture and War Food Administrator

Agreement Act of 1937, Section 32 of Public Law No. 320, the Packers and Stockyards Act, 1921, the Smith-Lever (Extension Work) Act, Section 4 of Public Law 147 (the Steagall Amendment) and other acts which have in the past been administered by the agencies now consolidated are vested in and exercisable by the War Food Administrator, rather than the Secretary. On the other hand, remaining vested in and exercisable by the Secretary are all those powers which he has heretofore exercised through or with respect to the Farm Credit Administration, the Forest Service, the Rural Electrification Administration, and the Agricultural Research Administration. The latter part of section 2 of the order, in providing for the Secretary's continuance as chairman of the inter-departmental food advisory committee, as a member of the War Production Board, and as the American representative on the Combined Food Board, is virtually the same as the latter part of Section 2 of the original Executive Order 9322, except for the designation of the War Food Administrator as alternate American representative on the Combined Food Board.

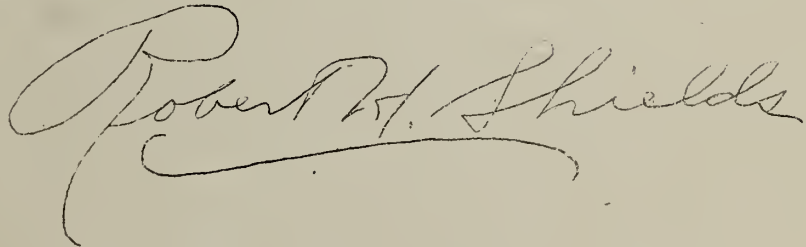
By section 3 of the order, there are transferred to the War Food Administration the funds, personnel, property and records of the Department used primarily in connection with powers, functions and duties transferred to the War Food Administrator. This means that those funds, personnel, property and records of the staff and service agencies of the Department concerned primarily with the exercise of powers conferred by Executive Order 9280, Title IV of Executive Order 9250, and the labor and manpower orders, and those concerned primarily with powers heretofore exercised by the Secretary through the agencies consolidated into the War Food Administration, are technically part of the War Food Administration. In most cases (the Office of Budget and Finance and the Office of the Solicitor, for example), this means that portions of the staff or service agency constitute technically a part of the War Food Administration, whereas in the case of agencies such as the Office of Agricultural War Relations and the Agricultural Labor Administration, which are exclusively concerned with matters under the supervision of the War Food Administrator, the entire agencies are included in the War Food Administration. Section 3 does not require, however, that the staff and service agencies concerned with matters under the jurisdiction of both the Secretary and the War Food Administrator be physically split or that separate staff and service agencies be established for the War Food Administration. Such staff and service agencies can continue serving all agencies of the Department, including the War Food Administration, although certain of the funds, personnel, property and records of such staff and service agencies may technically constitute a part of the War Food Administration.

Section 4 of the order has no counterpart in the original Executive Order 9322. Its purpose is to prevent any successful challenge,

3-Secretary of Agriculture and War Food Administrator

on the ground of lack of authority, of action taken by the Secretary or the War Food Administrator. Accordingly, by this section of the order the Secretary is authorized to exercise, to the extent necessary to enable the performance of his duties and functions, any of the powers otherwise vested in the War Food Administrator. Likewise, the War Food Administrator, to the extent necessary to enable the performance of his duties and functions, is authorized to exercise any of the powers otherwise vested in the Secretary. In order to foreclose attacks upon the validity of action taken by either of the two officials, section 4 specifically further provides that no third person may question the exercise of any such power by either the Secretary or the War Food Administrator.

Section 5 of the order is modeled after Section 14 of Executive Order 9280. By it any previous inconsistent Executive orders or proclamations are superseded and any existing regulations or orders of other Federal agencies touching on matters over which the War Food Administrator has authority are preserved until modified or revoked by action of the War Food Administrator.

A handwritten signature in cursive script, reading "Robert H. Shields". The signature is written in dark ink and is centered on the page.

Attachment



